

CRUZ VALDIVIESO FIGUERA vs ALL VIP CARE INC. AND LIZ VELAZQUEZ MCKINNON
Ramirez, Diana on 06/07/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND
LIZ VELAZQUEZ MCKINNON,

Defendants.

_____ /

DEPOSITION OF DIANA RAMIREZ

TAKEN ON BEHALF OF THE PLAINTIFF

JUNE 7, 2023
10:00 A.M. TO 12:56 P.M.

ALL PARTIES APPEARED REMOTELY
PURSUANT TO
FLORIDA SUPREME COURT ORDER AOSC20-23

REPORTED BY:
DANIELLE J. BRAELOW, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

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<p align="center">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2 ON BEHALF OF THE PLAINTIFF:</p> <p>3 TOUSSAINT MARCUS CUMMINGS, ESQUIRE</p> <p>4 FAIR LAW FIRM</p> <p>5 135 SAN LORENZO AVENUE, SUITE 770</p> <p>6 CORAL GABLES, FL 33146-1878</p> <p>7 305-230-4884</p> <p>8 TOUSSAINT@FAIRLAWATTORNEY.COM</p> <p>9 (REMOTELY VIA ZOOM)</p> <p>10 ON BEHALF OF THE DEFENDANT:</p> <p>11 RANDY MARK GOLDBERG, ESQUIRE</p> <p>12 RANDY M. GOLDBERG & ASSOCIATES, PLLC</p> <p>13 151 NW 1ST AVENUE</p> <p>14 DELRAY BEACH, FL 33444-2611</p> <p>15 754-224-0867</p> <p>16 RMGESQUIRE@GMAIL.COM</p> <p>17 (REMOTELY VIA ZOOM)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p align="center">Page 4</p> <p>1 INDEX OF EXHIBITS</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 PLAINTIFF'S:</p> <p>4 A ALL VIP CARE APPLICATION 28</p> <p>5 B PATIENT CALENDAR 73</p> <p>6 C TEXT MESSAGES 105</p> <p>7 D GOOGLE REVIEW 117</p> <p>8 E PLAINTIFF STATEMENT 121</p> <p>9 F WITNESS STATEMENT 126</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p align="center">Page 3</p> <p>1 INDEX OF EXAMINATION</p> <p>2 WITNESS: DIANA RAMIREZ</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY TOUSSAINT MARCUS CUMMINGS, ESQUIRE 5</p> <p>5 CROSS EXAMINATION</p> <p>6 BY RANDY MARK GOLDBERG, ESQUIRE 131</p> <p>7 RE-DIRECT EXAMINATION</p> <p>8 BY TOUSSAINT MARCUS CUMMINGS, ESQUIRE 134</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p align="center">Page 5</p> <p>1 VIDEOTAPED DEPOSITION OF DIANA RAMIREZ</p> <p>2 JUNE 7, 2023</p> <p>3 THE COURT REPORTER: We are now on the record.</p> <p>4 MR. CUMMINGS: Okay. Am I ready to go?</p> <p>5 THE COURT REPORTER: Yes.</p> <p>6 MR. CUMMINGS: Did you already verify her</p> <p>7 identification?</p> <p>8 THE COURT REPORTER: Yes.</p> <p>9 Thereupon:</p> <p>10 DIANA RAMIREZ</p> <p>11 was called as a witness, and after having been first</p> <p>12 duly sworn, testified as follows:</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. CUMMINGS:</p> <p>15 Q Good morning, Ms. Ramirez. My name is</p> <p>16 Toussaint Cummings. I'm the Attorney for Cruz</p> <p>17 Valdivieso. And have you ever taken a deposition before?</p> <p>18 A No.</p> <p>19 Q Okay. So, let me just give you some basic</p> <p>20 rules of a deposition. I'm sure that your Attorney</p> <p>21 probably already explained some of them to you, but the</p> <p>22 ones that I'm going to explain just have to be -- have</p> <p>23 to deal with being respectful to the Court Reporter.</p> <p>24 So, the Court Reporter is going to type down</p> <p>25 everything that we're saying, all of my questions and</p>

<p style="text-align: right;">Page 6</p> <p>1 then all of your answers. So, that means two things.</p> <p>2 First, we cannot speak over each other. And</p> <p>3 generally speaking, when you're having a conversation</p> <p>4 with somebody, they might start saying something and you</p> <p>5 assume you know where they're going.</p> <p>6 So, you might just, you know, cut in or start</p> <p>7 speaking or answering a question before it's done. But</p> <p>8 in this particular circumstance, you have to allow me to</p> <p>9 finish my question completely, so, that the Court</p> <p>10 Reporter can write out a full question and then you can</p> <p>11 provide your response, so that the Court Reporter can</p> <p>12 write out your full response. Understood?</p> <p>13 A Understood.</p> <p>14 Q Okay. And the reason for that is that when</p> <p>15 we're done, everything that our conversation is going to</p> <p>16 be typed up in what's called a deposition transcript,</p> <p>17 and it's going to have a clear question line, and then</p> <p>18 it's going to have a clear answer line.</p> <p>19 So, as we're talking over each other, that</p> <p>20 creates problems for the Court Reporter and her</p> <p>21 transcription. All right?</p> <p>22 A Understood.</p> <p>23 Q Second, you always have to provide a verbal</p> <p>24 response because again, the Court Reporter is typing</p> <p>25 down everything we say.</p>	<p style="text-align: right;">Page 8</p> <p>1 important thing as a witness, you understand that the</p> <p>2 Court Reporter swore you in to tell the truth today? Got</p> <p>3 it?</p> <p>4 A Absolutely, yes.</p> <p>5 Q All right. So, we're not in a Courtroom</p> <p>6 setting. You're not in front of a Judge, but the Court</p> <p>7 Reporter does administer the oath, so that you</p> <p>8 understand that you are still providing testimony as a</p> <p>9 Witness in this case, and all testimony has to be</p> <p>10 truthful. Okay?</p> <p>11 A Correct.</p> <p>12 Q All right. So, let's get started. First,</p> <p>13 what is your full name, if you have a middle name?</p> <p>14 A I don't have a middle name. My first name is</p> <p>15 Diana. Last name is Ramirez with a Z at the end.</p> <p>16 Q What is your date of birth?</p> <p>17 A [REDACTED]</p> <p>18 Q What is your current address?</p> <p>19 A [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 Q Is Sumter spelled S-U-M-T-E-R?</p> <p>22 A [REDACTED].</p> <p>23 Q Sumter Road West?</p> <p>24 A Yes, because there's an east, but I'm on the</p> <p>25 West.</p>
<p style="text-align: right;">Page 7</p> <p>1 So, if I ask you a question and you shake your</p> <p>2 head, yes or no, the Court Reporter can't take down</p> <p>3 ver -- you know, non-verbal responses. So, you always</p> <p>4 have to provide a verbal response. Got it?</p> <p>5 A Okay. Understood.</p> <p>6 Q And then for that reason, you also can't say,</p> <p>7 uh-huh or um-hum because that doesn't mean anything when</p> <p>8 it's typed out, right. It looks like U-H-U-H or H-U-H</p> <p>9 or something. But that's not the same as yes or no.</p> <p>10 So, if any of those things happen, then what</p> <p>11 I'll do is I'll just say, "Okay, Ms. Ramirez, I'm just</p> <p>12 reminding you that you had to provide a verbal</p> <p>13 response." And I'll ask the question again, so that we</p> <p>14 have a clear question and answer line. Got it?</p> <p>15 A Got it.</p> <p>16 Q Okay. All right. Other than that, is there</p> <p>17 any reason why you cannot take a deposition today?</p> <p>18 A No.</p> <p>19 Q All right.</p> <p>20 A No reason.</p> <p>21 Q All right. You're not under the influence of</p> <p>22 any medications?</p> <p>23 A No medication, I don't smoke. I don't do</p> <p>24 nothing.</p> <p>25 Q Okay. No problem. And finally, the most</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Oh, okay. Sumter Road West. And then Palm</p> <p>2 Beach. What was the ZIP Code again?</p> <p>3 A [REDACTED].</p> <p>4 Q What is your current cell phone number?</p> <p>5 A [REDACTED]</p> <p>6 Q How long have you had that cell phone number?</p> <p>7 A Maybe like 10 years or over 10 years.</p> <p>8 Q Who is your current cell phone provider?</p> <p>9 A [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q Any text messages that you would've sent to</p> <p>14 Ms. Valdivieso Cruz, the Plaintiff in this case? Would</p> <p>15 they have been coming and going from this phone number?</p> <p>16 A Well, there's two phones. This is my -- the</p> <p>17 one I gave you is my personal phone. All caregivers and</p> <p>18 clients have my personal phone. It's also on my</p> <p>19 business card.</p> <p>20 And I provide that home just in case, you</p> <p>21 know, they need me for everything. If they can reach me</p> <p>22 on my on-call phone, they can always reach me on my</p> <p>23 personal phone.</p> <p>24 Because sometimes, you know, I have other</p> <p>25 calls on the on-call phone. The text messages is</p>

<p style="text-align: right;">Page 10</p> <p>1 usually done on the on-call phone, not the phone I gave 2 you.</p> <p>3 Q What is an on-call phone?</p> <p>4 A It's a another cell phone that we have that we 5 call the on-call phone.</p> <p>6 Q Is the On-call phone provided by All VIP to 7 you?</p> <p>8 A Yes.</p> <p>9 Q Does All VIP pay for the monthly subscription 10 for that phone?</p> <p>11 A Yes, sir.</p> <p>12 Q What is the number to the on-call phone?</p> <p>13 A Area code is (954) 579-0618.</p> <p>14 Q What's the provider for that phone?</p> <p>15 A [REDACTED]. Is it 16 Verizon -- I think it's Verizon. I'm sorry. Verizon. The 17 red phone is Verizon.</p> <p>18 Q And did you say red phone?</p> <p>19 A Yeah, it's a red cell phone. We call it the 20 red phone.</p> <p>21 Q Is it an iPhone?</p> <p>22 A Yes, it is.</p> <p>23 Q When do you primarily use the red on-call 24 phone for?</p> <p>25 A Okay. The red on-call phone is used to send</p>	<p style="text-align: right;">Page 12</p> <p>1 them through my cell phone, you know, or it depends if 2 they, you know, call me on the red phone, which is the 3 on-call phone, I will return the call there, so they 4 know that I'm returning their call. But most clients 5 have both numbers.</p> <p>6 Q Understood.</p> <p>7 A So, that way they can't say, "Oh, I tried 8 reaching you and the call didn't go through." So, they 9 had my other number.</p> <p>10 Q Understood. How long have you been working 11 with All VIP?</p> <p>12 A I'll be working -- I've been -- it's going to 13 be four years in July 9th, I'll be four years.</p> <p>14 Q Where did you work before All VIP?</p> <p>15 A I worked -- my last job was in International 16 Kids Zone.</p> <p>17 Q What is that?</p> <p>18 A It's after school and it's also a daycare.</p> <p>19 Q What did you do there?</p> <p>20 A I was an assistant teacher.</p> <p>21 Q How long did you work for International Kids 22 Zone?</p> <p>23 A I'd say like about three years.</p> <p>24 Q Have you ever been convicted of any crimes 25 after the age --</p>
<p style="text-align: right;">Page 11</p> <p>1 the address and information of the clients. We send all 2 the information to the caregivers. It provides the 3 address, name, phone number, full schedule and once they 4 get that they need to respond, confirm.</p> <p>5 So, all those text messages are on the phone. 6 So, like if they say, you know, if I see that they don't 7 respond, I call them, "Did you get the message and can 8 you, please confirm?"</p> <p>9 And that's how we have proof that they got the 10 message that, you know, they can't say, "Oh, I didn't 11 receive it, you know, I don't know the address, you 12 know, I don't know the phone."</p> <p>13 Q Okay.</p> <p>14 A All the information is sent through that 15 phone.</p> <p>16 Q Now, just let me be clear, when you -- all of 17 the information that you're talking about is going to 18 the client or is going to the Home Health Aid providers?</p> <p>19 A Yeah.</p> <p>20 Q To caregivers?</p> <p>21 A To the Home Health. Yes, that's correct.</p> <p>22 Q How do you communicate with the patients?</p> <p>23 A I call them, the -- if it is during business 24 hours, I call them on the office phone. If it's not 25 during business hours, I call them -- usually I call</p>	<p style="text-align: right;">Page 13</p> <p>1 A Never.</p> <p>2 Q -- of 18?</p> <p>3 A Never in my life.</p> <p>4 Q Have you ever been a Plaintiff in a lawsuit?</p> <p>5 A Never.</p> <p>6 Q Meaning, have you ever sued anybody yourself?</p> <p>7 A The only thing that I can say that I've been 8 in Court that I had to, you know, testify was when some 9 girl scratched my car and the police officer saw her.</p> <p>10 So, they told me if I wanted to, you know, 11 press charges and I said, yes. That was the only time 12 that you know that I had to testify in Court.</p> <p>13 Q How long ago was that?</p> <p>14 A I'd say that was probably like 10 years around 15 there, I can't -- just estimating.</p> <p>16 Q And you actually provided testimony in Court?</p> <p>17 A Yeah, I actually, yes, I had to testify and 18 all the works Jury, there was a Jury as well.</p> <p>19 Q And you didn't take a deposition before you 20 provided that testimony?</p> <p>21 A What do you mean? It was a State that took 22 the case and while he's the Attorney, the State Public 23 Defender.</p> <p>24 Q Right.</p> <p>25 A He just asked me questions and that's it. I</p>

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<p style="text-align: right;">Page 14</p> <p>1 don't --</p> <p>2 Q Understood. All right. And have you ever</p> <p>3 been sued by anybody before?</p> <p>4 A Never.</p> <p>5 Q What are -- what is your current title at All</p> <p>6 VIP?</p> <p>7 A Administrator.</p> <p>8 Q Sorry, I'm sorry, I cut you off. Let me just</p> <p>9 ask the question. I'll re-ask the question. Hold on.</p> <p>10 What is your current title at All VIP?</p> <p>11 A I'm the administrator.</p> <p>12 Q What title did you start with at All VIP four</p> <p>13 years ago?</p> <p>14 A Coordinator.</p> <p>15 Q Have you had any other positions at All VIP</p> <p>16 besides coordinator and administrator?</p> <p>17 A Those are the only two.</p> <p>18 Q When did you become an administrator for All</p> <p>19 VIP?</p> <p>20 A I'd say maybe like in two -- the end of 2019,</p> <p>21 around there.</p> <p>22 Q And is it fair to say that you started with</p> <p>23 All VIP in the beginning of 2019 since you've been</p> <p>24 working there for four years?</p> <p>25 A July 9th, if I'm not mistaken.</p>	<p style="text-align: right;">Page 16</p> <p>1 finalize and that's how they do payroll.</p> <p>2 Q And what was the other system you referred to?</p> <p>3 A The other one we started was Care Center, but</p> <p>4 we were very, you know, we didn't work there with them</p> <p>5 for a long time. The one that we've been with after</p> <p>6 that is HHA exchange. We've been then with them for</p> <p>7 quite a while after that.</p> <p>8 Q You also mentioned that you started Care as a</p> <p>9 coordinator. What did you mean by that?</p> <p>10 A Sorry?</p> <p>11 Q I think you -- when I asked you what your</p> <p>12 duties were as a coordinator, you said that you started</p> <p>13 Care. What did you mean by that?</p> <p>14 A No staff, I'm sorry. No, I said staffed --</p> <p>15 Q Staff the client.</p> <p>16 A Staffed the clients, yeah.</p> <p>17 Q With caregivers, right?</p> <p>18 A Yes.</p> <p>19 Q And then I thought you said you started Care.</p> <p>20 You didn't say that?</p> <p>21 A No.</p> <p>22 Q No. Okay. All right.</p> <p>23 A No.</p> <p>24 Q Now, as an administrator, what do you do at</p> <p>25 All VIP?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q July 9th, 2019?</p> <p>2 A 2019.</p> <p>3 Q You definitely started at All VIP before the</p> <p>4 pandemic?</p> <p>5 A Yes.</p> <p>6 Q What were your duties as a coordinator for All</p> <p>7 VIP?</p> <p>8 A I staffed clients with caregivers. I also did</p> <p>9 start of care. I, you know, answered phones, entered</p> <p>10 their hours in the system.</p> <p>11 Q When you say entered their hours, who are you</p> <p>12 referring to?</p> <p>13 A Caregivers. Sorry.</p> <p>14 Q No problem. And what system are you referring</p> <p>15 to?</p> <p>16 A Well, we had two diff -- couple of different</p> <p>17 software. When I started with, WellSky.</p> <p>18 Q Sorry, can you spell that for me?</p> <p>19 A WellSky, it's W-E-L-L and S-K-Y, WellSky.</p> <p>20 Q What does that program or application do?</p> <p>21 A It does the schedule, so we know who are we</p> <p>22 scheduling. We entered the caregiver's name into the</p> <p>23 client's schedule, their hours and that's how they run</p> <p>24 payroll.</p> <p>25 Once all that is entered, you know, they</p>	<p style="text-align: right;">Page 17</p> <p>1 A As administrator, I do all that, but I, you</p> <p>2 know, I have to take care of ev -- there's any issues,</p> <p>3 any problems with the, you know, with the hours.</p> <p>4 Got to fix errors, I got to go visit the</p> <p>5 clients. I call the clients to make sure, you know,</p> <p>6 how's the caregiver working out, you know, making sure</p> <p>7 everything's working properly, how it's supposed to.</p> <p>8 Q And are you in control of a certain regional</p> <p>9 area that All VIP has?</p> <p>10 A Yes, I am the administrator for the Broward</p> <p>11 County area here for All VIP Care.</p> <p>12 Q And are you presently located at an All VIP</p> <p>13 office as you're taking this deposition?</p> <p>14 A Yes, I am. I am at the Broward office.</p> <p>15 Q So, if you -- let's talk about the hiring</p> <p>16 process for Caregivers. How does a caregiver begin to</p> <p>17 work with All VIP?</p> <p>18 A Okay. Once they come in, they have to bring</p> <p>19 all their, you know, paperwork, all their CEUs all their</p> <p>20 certifications that includes a physical and a background</p> <p>21 check.</p> <p>22 If they don't have one, we will, you know, do</p> <p>23 a form for them. We'll fill it out and send them to</p> <p>24 have one, you know, to have one done. Once they're</p> <p>25 here, they're not active unless they have all the</p>

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<p style="text-align: right;">Page 18</p> <p>1 paperwork and they have all the certifications and their 2 background, it's, you know, it's good to go. 3 Once they fill out the application, I go over 4 everything. You know, there's like 26, if I'm not 5 mistaken 26 pages in our application. I think there's 6 probably a little bit more now. 7 And I go through them and I say, if you don't 8 understand anything, you know, just let me know and I'll 9 explain to you. When they don't understand something, 10 you know, they ask me, can I explain to them because 11 there's a lot of initials and also signatures. 12 They're independent contractors, you know, let 13 them know what an independent contractor is. Most of 14 them, they already know. 15 Once we go over that, I let them know that 16 once they accept a case, you know, I'm -- excuse me, 17 sorry, I let them know how they need to be dressed when 18 they go to a client's room, they have to have their 19 scrubs done. 20 They have to, you know, be well dressed with 21 closed-toe shoes and be there on time. So, that's one 22 of the first things that we tell them to be there on 23 time and properly dressed. 24 And after that, you know, once they, you know, 25 they understand everything, the application, how they're</p>	<p style="text-align: right;">Page 20</p> <p>1 A That's correct. 2 Q At what point in the process is the background 3 check conducted? 4 A As soon as they walk in, they give us, you 5 know, all their CEUs and we're -- that's the first thing 6 we do, background check before they even, you know, 7 finish their application. 8 Q How what components are there to the 9 background check, is there a credit check that goes into 10 that? 11 A No, there's no credit checks. 12 Q What are you looking for when a background 13 check -- 14 A Criminal. 15 Q Does the State require that All VIP run a 16 background check on caregivers? 17 A That's correct. 18 Q Does the State -- 19 MR. GOLDBERG: Mr. Cummings, excuse one 20 second, just for clarification. Like we discussed 21 yesterday, you're referring to caregiver. Are we 22 referring that the caregiver is an HHA? 23 MR. CUMMINGS: Well -- 24 THE WITNESS: Yes. 25 MR. CUMMINGS: I mean, let me clarify that</p>
<p style="text-align: right;">Page 19</p> <p>1 supposed to be addressed, how once they accept a case, 2 if I tell them if you're -- if you can't make it, I -- 3 there's an on-call phone after hours, you need to 4 immediately call me. 5 It doesn't matter what time you call me and 6 let me know, I cannot make it. I had an emergency that 7 gives me time to call the client and find another 8 Caregiver for that client. So, that communication, 9 that's the number one thing I tell them. It's very, 10 very important with All VIP Care. 11 Q So, let me just go through some of the things 12 you said -- you mentioned CEUs. What does that stand 13 for? 14 A Those are their certifications. 15 Q Okay. And those certifications are 16 certifications that caregivers should already have 17 before they start practicing for All VIP or working with 18 all -- 19 A That's correct. Yeah, they go to office -- 20 Q -- got it. Okay. Those are all State 21 certifications? 22 A Yes, they are. They have to be, yes. And we 23 verify them online to make sure. 24 Q Does All VIP also conduct a background check 25 on the caregivers?</p>	<p style="text-align: right;">Page 21</p> <p>1 really quickly though. 2 BY MR. CUMMINGS: 3 Q When you -- Ms. Ramirez, when you refer to a 4 caregiver, what specifically are you -- what types of 5 caregivers does All VIP work with? 6 A They'll be HHAs, CNAs and then we also have 7 nurses, but they're -- that's what they call RNs. 8 Q All right. 9 A HHA will be -- 10 Q And so, 11 A -- A home -- I'm sorry. 12 Q No, go ahead. 13 A And HHA is a Home Health Aide. CNA is a 14 Certified Nurse Assistant. 15 Q And RN is a Registered Nurse? 16 A That's correct. 17 Q All VIP works with all three different types 18 of those caregivers? 19 A That's correct. 20 Q Okay. So, for right now, when we refer to 21 caregiver, I'm just going to refer generally to all 22 three, but at some point later in the deposition, I'll 23 ask you probably specifically about one or the other of 24 those types. Okay? 25 A Okay.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q All right. But as far as the background check</p> <p>2 is concerned, or let me be more specific, as far as the</p> <p>3 hiring process for caregivers is concerned, it's the</p> <p>4 same whether the person is coming in as a HHA, a CNA or</p> <p>5 an RN?</p> <p>6 A That's correct. They all have to have</p> <p>7 background checks, even myself.</p> <p>8 Q All right. And do the caregivers all have the</p> <p>9 same certifications no matter what, if they're HHA a</p> <p>10 CR -- a CNA and RN?</p> <p>11 A No, they don't. No, HHA would have, you know,</p> <p>12 just her regular certifications that it's not a license,</p> <p>13 it's just certificates, you know, that they took the</p> <p>14 class and they took the training and it's 75 hours that</p> <p>15 they need. A Registered Nurse -- I mean, a CNA has her</p> <p>16 license.</p> <p>17 Q Okay.</p> <p>18 A You'll be, you know, Certified Nurse</p> <p>19 Assistant.</p> <p>20 Q Got it. So, one thing I just want to remind</p> <p>21 you of, Ms. Ramirez, is you have to allow me to finish</p> <p>22 the question because --</p> <p>23 A I'm sorry.</p> <p>24 Q I already said you already started jumping</p> <p>25 ahead because you, like I said --</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Okay. Does All VIP provide a certain type of</p> <p>2 scrub to the caregivers?</p> <p>3 A No, they could wear any scrub. I usually tell</p> <p>4 them you could wear any color as long as they're scrubs,</p> <p>5 you know, they can buy it, whichever, don't they, like.</p> <p>6 Q Does All VIP sell scrubs?</p> <p>7 A No, we don't.</p> <p>8 Q Does All VIP tell caregivers where they can</p> <p>9 buy scrubs?</p> <p>10 A No, I'm sorry, let me -- let -- can I go back</p> <p>11 on that?</p> <p>12 Q Yeah, sure. You do whatever you want.</p> <p>13 A Okay. When they ask me, yes, I tell them, but</p> <p>14 you -- most of them, they come already -- when they come</p> <p>15 to apply, they have their scrubs.</p> <p>16 Q And is there any requirement that a home --</p> <p>17 I'm sorry, a caregiver have a certain number set of</p> <p>18 scrubs, like you need to have a different one for every</p> <p>19 day of the week or no?</p> <p>20 A No, we don't tell them.</p> <p>21 Q All right. And then you also mentioned that</p> <p>22 there's an on-call phone for after hours. Is that the</p> <p>23 same as the red phone that we spoke about earlier?</p> <p>24 A Yes.</p> <p>25 Q And so --</p>
<p style="text-align: right;">Page 23</p> <p>1 A I'm sorry.</p> <p>2 Q No, don't worry about it. Like, you know</p> <p>3 where the question is going. So, when I get to the end,</p> <p>4 you're kind of cutting me off a little bit.</p> <p>5 A I'm sorry.</p> <p>6 Q All right. So, just allow me to finish the</p> <p>7 question. Thank you. Otherwise, the Court Reporter's</p> <p>8 going to jump on us. All right.</p> <p>9 A Okay. I'm sorry.</p> <p>10 Q So, no problem. Okay. So, you also mentioned</p> <p>11 the dress code is -- does the State require that</p> <p>12 caregivers dress a certain way when they provide care in</p> <p>13 a home?</p> <p>14 A I don't know about the State, but I know we as</p> <p>15 a Home Health Agency and most of the Home Health Agency</p> <p>16 requires for the aide -- caregivers to wear their scrubs</p> <p>17 and closed toe shoes.</p> <p>18 Q What's the purpose of that?</p> <p>19 A A lot of clients identifies them when they go</p> <p>20 visit, you know, a client's home.</p> <p>21 Q And --</p> <p>22 A And it also repre -- sorry.</p> <p>23 Q Sorry, go ahead. No, you're --</p> <p>24 A And it also represents, you know, that they</p> <p>25 are, you know, caregivers and they represent the agency.</p>	<p style="text-align: right;">Page 25</p> <p>1</p> <p>2 A Yes, that's correct.</p> <p>3 Q If you tell the caregivers at the time of the</p> <p>4 application signing about the process for make an on-</p> <p>5 call -- I'm sorry, for calling in if they can't make</p> <p>6 particular patient's schedule or something?</p> <p>7 A Yes, through the red phone, yes.</p> <p>8 Q Okay. All right. Now, do you speak Spanish?</p> <p>9 A Yes, I do.</p> <p>10 Q Does All VIP work with a large number of</p> <p>11 Spanish speaking caregivers?</p> <p>12 A Yes, we do. It's -- I think it's a balance.</p> <p>13 Q Balance between what?</p> <p>14 A English and Creole and Spanish.</p> <p>15 Q Do you speak Creole?</p> <p>16 A No, I don't.</p> <p>17 Q If Creole speaking caregiver comes into the</p> <p>18 office, how is the application process explained to</p> <p>19 them?</p> <p>20 A Okay. They -- if they don't understand</p> <p>21 English, they usually come with someone that understands</p> <p>22 English.</p> <p>23 Q Are there any Creole speaking staff members in</p> <p>24 your Broward office?</p> <p>25 A Yes, I have one Creole client.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q Client?</p> <p>2 A Yes, client I'm sorry.</p> <p>3 Q No, I'm not staff members. Do you have any</p> <p>4 Creoles --</p> <p>5 A Staff members.</p> <p>6 Q -- Staff members?</p> <p>7 A No, I don't.</p> <p>8 Q And the -- let me just -- you mentioned a</p> <p>9 26-page application that caregivers fill out when they</p> <p>10 first come in to apply for jobs, correct?</p> <p>11 A That's correct.</p> <p>12 Q Okay. That 26 page application, what language</p> <p>13 is it in</p> <p>14 A English.</p> <p>15 Q Is there a Spanish language version of that</p> <p>16 application?</p> <p>17 A No, there's not.</p> <p>18 Q If a Spanish speaking caregiver comes in, how</p> <p>19 do they fill out the application if they don't -- if</p> <p>20 they don't read or write English?</p> <p>21 A Okay. So, this is where I come in, everything</p> <p>22 is explained to them. The first page is very, you know,</p> <p>23 they know how to name, address, you know, last, you</p> <p>24 know, everything is self, like they know how to fill</p> <p>25 that part out.</p>	<p style="text-align: right;">Page 28</p> <p>1 apply?</p> <p>2 A Yes, I was.</p> <p>3 Q Did you call --</p> <p>4 A I was the one that took --</p> <p>5 Q Okay. Sorry, go ahead.</p> <p>6 A I'm sorry. Yes, I was the one that helped</p> <p>7 her.</p> <p>8 Q Okay. And let me just show you what I'm going</p> <p>9 to mark as Exhibit A for the deposition record.</p> <p>10 (Thereupon, Plaintiff's Exhibit A was entered</p> <p>11 into the record.)</p> <p>12 BY MR. CUMMINGS:</p> <p>13 Q Okay. Ms. Ramirez, can you see the document</p> <p>14 I'm showing you on my screen now?</p> <p>15 A Yes, that's the application. That's the first</p> <p>16 part of the application.</p> <p>17 Q So, just for a deposition record, I'm now</p> <p>18 introducing a 25-page document, and at the bottom it has</p> <p>19 as Exhibit A, it has Bates stamp, All VIP 26 letter A,</p> <p>20 and then 000001.</p> <p>21 And this goes all the way down to Bates stamp,</p> <p>22 the same Bates stamp. But the --</p> <p>23 A That's the last page.</p> <p>24 Q Yeah, the last page says number 25. Okay. So,</p> <p>25 is this the -- are these 25 pages the full application</p>
<p style="text-align: right;">Page 27</p> <p>1 Now, the part that they -- it's the reading</p> <p>2 part that they have to initial, I explain to them each</p> <p>3 paragraph. Okay. Where they have to initial because</p> <p>4 they do tell me. Okay.</p> <p>5 I don't understand this part. And that's why</p> <p>6 I explained to them. If they agree, then they initial</p> <p>7 that step by step by step, I go through it all the way</p> <p>8 to, you know, to the end after the first page.</p> <p>9 Q And, how long does it normally take when you</p> <p>10 are sitting with a Spanish speaking caregiver to explain</p> <p>11 the whole 26 application?</p> <p>12 A I say about an hour.</p> <p>13 Q If the caregiver reads and writes and</p> <p>14 understands English, do you still provide input to them</p> <p>15 during the application process?</p> <p>16 A Yes, if they are -- like, if they can't</p> <p>17 understand a certain, you know, question from there,</p> <p>18 then I explain to them authority. But they usually</p> <p>19 understand.</p> <p>20 Q Do you know who Cruz Valdivieso is?</p> <p>21 A Yes, I do.</p> <p>22 Q Did Cruz Valdivieso apply to work with All VIP</p> <p>23 at the Broward office?</p> <p>24 A Yes, she came to the Broward office.</p> <p>25 Q Were you present the day that she came in to</p>	<p style="text-align: right;">Page 29</p> <p>1 that you were referring to earlier?</p> <p>2 A Yes, it should have been 26. Let me see.</p> <p>3 Q Yes, I mean --</p> <p>4 A It's probably another -- can you go up a</p> <p>5 little?</p> <p>6 Q Yeah, this is the first page.</p> <p>7 A Okay. I see.</p> <p>8 Q And then the second page that we're looking at</p> <p>9 in this Exhibit A is this generally the start of a</p> <p>10 different part of the application.</p> <p>11 A That's the second page. And then it goes to</p> <p>12 another -- it's employment history.</p> <p>13 Q Okay.</p> <p>14 A There's another employment history I think,</p> <p>15 missing in there.</p> <p>16 Q So, you think there's just one page missing</p> <p>17 somewhere here?</p> <p>18 A Yeah, I think it's an employment history.</p> <p>19 Q Okay.</p> <p>20 A It's like --</p> <p>21 Q Where -- sorry, go ahead.</p> <p>22 A Can you go to the -- that next page?</p> <p>23 Q Um-hum.</p> <p>24 A There you go. No, that's the page.</p> <p>25 Q When you say that's the page, are you saying</p>

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<p style="text-align: right;">Page 30</p> <p>1 there's a page missing somewhere in here or --</p> <p>2 A I thought there was another page missing, like</p> <p>3 for employment history, but I saw it there.</p> <p>4 Q You did see it. Okay. Well, we can go</p> <p>5 through these pages later, but do you think --</p> <p>6 A Okay.</p> <p>7 Q I know I haven't showed you all 25 pages, but</p> <p>8 at this point up to page 4, have you seen any part of</p> <p>9 the application that's missing?</p> <p>10 A Let's see if -- no, not the first part. Not</p> <p>11 the first part that I recall.</p> <p>12 Q Okay. And then moving down to page 5, which</p> <p>13 says acknowledge --</p> <p>14 A -- sorry, yeah --</p> <p>15 Q -- policy and procedure?</p> <p>16 A That's correct.</p> <p>17 Q Okay. Would this sort of be considered like</p> <p>18 the second part of the application?</p> <p>19 A Yes, because there's a few of them and also</p> <p>20 reading parts, it doesn't have initials.</p> <p>21 Q Okay. So, there are some pages that, where</p> <p>22 there's no initial required?</p> <p>23 A Yeah, it is just for them to have that, you</p> <p>24 know, so if they have any doubt, they have their copies.</p> <p>25 Q All right.</p>	<p style="text-align: right;">Page 32</p> <p>1 but what I'm saying is when you joined All VIP as an</p> <p>2 employee, did this whole application package already</p> <p>3 exist or did you create any parts?</p> <p>4 A No, it already existed. I didn't create</p> <p>5 anything.</p> <p>6 Q Okay. And so, when Ms. Cruz Valdivieso came</p> <p>7 in, you're saying that you explained what this first</p> <p>8 page says to her and then you asked her to sign it?</p> <p>9 A I told her after everything is explained, she</p> <p>10 signed it and she was sitting down, I remember the day</p> <p>11 that she came in her blue -- navy blue scrubs, she came</p> <p>12 and then I said, she says, can you explain to me, and</p> <p>13 step-by-step I explained to her.</p> <p>14 And if as -- if she agreed, she will initial</p> <p>15 and she'll sign -- initial and she'll sign and then --</p> <p>16 Q Yeah, when you say step-by-step, so let's just</p> <p>17 stick with the first page that we're looking at here,</p> <p>18 which says All VIP Care and it has a stethoscope and the</p> <p>19 shape of a heart.</p> <p>20 Do you read the English parts directly into</p> <p>21 Spanish or do you just give a general overview of like</p> <p>22 what this says?</p> <p>23 A If it's not long like, you know, I explain to</p> <p>24 them exactly how it's, I read it in English, I read it</p> <p>25 in Spanish to them.</p>
<p style="text-align: right;">Page 31</p> <p>1 A Of what they had just finished signing.</p> <p>2 Q Is there any part of the application that</p> <p>3 we're looking at that would be filled out by you?</p> <p>4 A Yes, where it says administrator.</p> <p>5 Q Okay. What page would I find that on?</p> <p>6 A Can -- no, can you go up, after the initials,</p> <p>7 up more?</p> <p>8 Q Well, when you say up, do you mean downward --</p> <p>9 down?</p> <p>10 A No, like you're going just like that, upward.</p> <p>11 Q All right. And let me just ask you a question</p> <p>12 quickly. So, this -- when Ms. Cruz came in, everything</p> <p>13 on this first page is all in English, but I think you</p> <p>14 mentioned that all of the caregivers know what this</p> <p>15 means. How do you know that?</p> <p>16 A I have to explain to them this is a contract</p> <p>17 and they cannot lie. You know, they cannot give any</p> <p>18 false information and it's a contract.</p> <p>19 Q When you joined All VIP, did this first page</p> <p>20 already exist to Exhibit A?</p> <p>21 A When I first applied. No because our</p> <p>22 application is similar to that, but it didn't have that</p> <p>23 because that's for independent contractor. I'm not an</p> <p>24 independent contractor.</p> <p>25 Q No, I'm asking a slightly different question,</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Okay. So, meaning like if it says, "Dear</p> <p>2 Independent Contractor", you'll say what then?</p> <p>3 A I'll tell them you're independent contractor,</p> <p>4 that'll be you. I'll explain to them the independent</p> <p>5 contractor because like I said, there's two signatures</p> <p>6 required independent contractor and me.</p> <p>7 So, a lot -- a few of them get confused with</p> <p>8 that signing part. So, I tell them you'll be the</p> <p>9 independent contractor.</p> <p>10 Q Right. And when you said you explain what an</p> <p>11 independent contractor is, what do you tell them an</p> <p>12 independent contractor is?</p> <p>13 A Independent -- I let them know that, you know,</p> <p>14 taxes are not withheld. They are responsible to pay</p> <p>15 their own taxes.</p> <p>16 And if they -- let's say they're, you know, if</p> <p>17 they decide to work in another agency, you know, they</p> <p>18 are independent contractors. They could apply in other</p> <p>19 agencies. A lot of the caregivers do that.</p> <p>20 Q Can you explain anything else about their</p> <p>21 roles as independent contractors to them?</p> <p>22 A Everything that has pertains to independent</p> <p>23 contractor is explained to them and like, I told you in</p> <p>24 that sense. So, most of them when they come in, they</p> <p>25 know what it is because it is taught to them in the</p>

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<p style="text-align: right;">Page 34</p> <p>1 school. And also they apply in other agencies and all</p> <p>2 the agents -- huh?</p> <p>3 Q Yes. Did Cruz Valdivieso say that she learned</p> <p>4 what an independent contractor is during schooling or</p> <p>5 during her training?</p> <p>6 A Yes, a lot of them they do know from school.</p> <p>7 Q Okay.</p> <p>8 A Yeah, they always come and tell me. Yes, I</p> <p>9 know, it was explained to us in school.</p> <p>10 Q Did Ms. Cruz Valdivieso say specifically, do</p> <p>11 you remember her saying that she knows what an</p> <p>12 independent contractor is?</p> <p>13 A Yes, because she had applied in all the</p> <p>14 agencies. She said, she had experience and that's why</p> <p>15 the work history is required. And also in the</p> <p>16 background check, it lets me know what other agencies</p> <p>17 she applied for.</p> <p>18 Q Now, when we move down to page 2 of the</p> <p>19 employment application, do you read all of these parts,</p> <p>20 like where it says section 1, section 2, section 3. Do</p> <p>21 you -- did you read that to Ms. Valdivieso in Spanish</p> <p>22 also?</p> <p>23 A When you say section 1, section 2 and section</p> <p>24 3, what?</p> <p>25 Q Well, I'm just looking under -- on page 2</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Go ahead.</p> <p>2 A The whole application will be the whole</p> <p>3 contract because even the first page as you see it --</p> <p>4 it's stating, you know, that it's a contract and any</p> <p>5 false information, you know.</p> <p>6 Q Right. And so, getting back to this page that</p> <p>7 I'm showing you now, page 5 where it says</p> <p>8 "Acknowledgement of Nurse Registry Policy and</p> <p>9 Procedure." For example, the first box says</p> <p>10 confidentiality statement.</p> <p>11 What I want to know is, do you read this</p> <p>12 confidentiality statement verbatim in Spanish as a</p> <p>13 translation?</p> <p>14 A I don't read the whole thing in Spanish to</p> <p>15 them. I summarize, you know, that part I summarize and</p> <p>16 explain to them, you know, how -- what it says on each</p> <p>17 one of them.</p> <p>18 Q Understood. And then after you summarize, you</p> <p>19 ask the person who's applying to initial?</p> <p>20 A Yeah, if she agrees to it.</p> <p>21 Q Okay.</p> <p>22 A If she -- doesn't agree, then she needs -- if</p> <p>23 she doesn't agree, then we can't hire her.</p> <p>24 Q Understood. All right. And so, just to get</p> <p>25 an idea, Ms. Cruz would've come in once you get to page</p>
<p style="text-align: right;">Page 35</p> <p>1 here, there's a -- I'll highlight it. It says section</p> <p>2 1, contact information and then section 2, desired</p> <p>3 employment or contract. So, I'm just referring to these</p> <p>4 sections like do you --</p> <p>5 A Okay.</p> <p>6 Q Yeah. How do you tell Ms. Cruz, you know,</p> <p>7 what to fill in, in each one of these parts, since it's</p> <p>8 in English?</p> <p>9 A Yeah, I told her to -- she says that, she went</p> <p>10 to school in Venezuela and I told her, put in your --</p> <p>11 all the school that you went to from HHA, it looks like</p> <p>12 she didn't even put it there.</p> <p>13 Q Okay. And what I'm trying to figure out is,</p> <p>14 are you literally saying to her, okay. In -- are you</p> <p>15 saying to her in Spanish, put your last name here, put</p> <p>16 your first name here. Are you walking her through this</p> <p>17 whole application in Spanish?</p> <p>18 A Yes.</p> <p>19 Q All right. Now, moving down to page 5 where</p> <p>20 we get into the Acknowledgement of Nurse Registry Policy</p> <p>21 and Procedure would you agree that this starts -- the</p> <p>22 application starts to become legal at this point?</p> <p>23 A Yes, that part.</p> <p>24 Q All right. And so --</p> <p>25 A But the whole --</p>	<p style="text-align: right;">Page 37</p> <p>1 5, you summarize the confidentiality statement and then</p> <p>2 you say to her initial here if you agree?</p> <p>3 A Yes, if you agree initial.</p> <p>4 Q Okay. Then you move down to the next box, tax</p> <p>5 exempt status. You summarize that in Spanish and then</p> <p>6 say initial here if you agree?</p> <p>7 A Of course she doesn't agree, then she don't</p> <p>8 sign it -- she don't initial it.</p> <p>9 Q Right. I'm just trying to get the flow of how</p> <p>10 it goes. So, you ex -- you summarize each box in</p> <p>11 Spanish and then have her initial, correct?</p> <p>12 A Yeah, and then she initials I said, you agree</p> <p>13 initial.</p> <p>14 Q Okay. Then you move to the next one and do</p> <p>15 the same thing?</p> <p>16 A Yes.</p> <p>17 Q Okay. And then that's on and on until all of</p> <p>18 the initial one is done on the application.</p> <p>19 A And then -- I'm sorry, can you move. Yeah,</p> <p>20 that part where it says conduct -- code of conduct that</p> <p>21 is explained, you know, one-by-one completely</p> <p>22 performance, all that.</p> <p>23 Q Understood. Okay. Is there a part on the</p> <p>24 application where it explains what you were saying about</p> <p>25 calling in to give advanced notice, if the person is --</p>

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<p style="text-align: right;">Page 38</p> <p>1 if the caregiver will be out?</p> <p>2 A If there's a part there in the application?</p> <p>3 Q Yeah. I didn't know if you were just saying</p> <p>4 you tell the caregiver that verbally or if it's actually</p> <p>5 contained in the application --</p> <p>6 A -- no, I tell them verbally, this is something</p> <p>7 that I tell them verbally.</p> <p>8 Q Okay. And just to remind you again,</p> <p>9 Ms. Ramirez, please let me finish the question because</p> <p>10 we're talking over each other a lot. Okay?</p> <p>11 A I'm sorry.</p> <p>12 Q All right. Okay. So, and you say you remember</p> <p>13 when Ms. Valdivieso came into the office the day of?</p> <p>14 A I'm sorry?</p> <p>15 Q You remember the first day Ms. Valdivieso --</p> <p>16 Ms. Cruz Valdivieso came into the office to apply?</p> <p>17 A Yes, and she came more than once.</p> <p>18 Q Why was that?</p> <p>19 A She always had, like questions -- wanted. She</p> <p>20 was like desperate. "I need a case. I need a case."</p> <p>21 so she didn't let us call her. She came to the office,</p> <p>22 you know, "What do you guys have I need, you know, I</p> <p>23 need a case. That means, I need you know, work."</p> <p>24 Q Now, the first time that Ms. Cruz Valdivieso</p> <p>25 came into your Broward office, did she finish the whole</p>	<p style="text-align: right;">Page 40</p> <p>1 you walked in Ms. Cruz through this application, but was</p> <p>2 it in fact Ms. Perez that did the application with her?</p> <p>3 A No, she was -- Janati was with me, but she was</p> <p>4 not explaining the application to her. Once the</p> <p>5 application is filled out and she's explained, then once</p> <p>6 Janati puts it in the system, she has the authority to</p> <p>7 sign as well. But Janati was there as well when we were</p> <p>8 doing the interview for Valdivieso. We were both there.</p> <p>9 Q Why isn't your name on it?</p> <p>10 A Because she had -- I was probably doing</p> <p>11 something else and it's the same thing she could sign,</p> <p>12 you know, she's authorized to sign.</p> <p>13 Q So, it doesn't matter if you sign or if Janati</p> <p>14 signs this page?</p> <p>15 A Yeah, as long as we have -- yeah, as long as</p> <p>16 we have, you know, we're authorized to do so.</p> <p>17 Q And what is the purpose of this Appendix A</p> <p>18 page number 16?</p> <p>19 A You can go up.</p> <p>20 Q This one?</p> <p>21 A Oh, that's for RN, LPN and HHA. Just, you</p> <p>22 know, if they were referred by someone.</p> <p>23 Q It says Appendix A, Independent Contractor</p> <p>24 Payment Schedule?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 application process at that time?</p> <p>2 A The entire application that they can't leave</p> <p>3 without filling out the entire application.</p> <p>4 Q Right. And you said she came more than once.</p> <p>5 I didn't know if you meant that she came more than once</p> <p>6 to fill out to do the application?</p> <p>7 A No, just to ask for employment, you know, if</p> <p>8 we have any cases, some of them do that. What cases do</p> <p>9 you have available? That I can work, yeah. So, I've</p> <p>10 met her many times.</p> <p>11 Q Understood. Now, when we look at page 15, I</p> <p>12 see that there's a signature from authorized VIP</p> <p>13 representative and it looks like the name is Janati</p> <p>14 Perez. Who is that?</p> <p>15 A Yeah, Janati was the coordinator at that time.</p> <p>16 She also knew we call her -- I'm sorry if I call her</p> <p>17 Daisy because that's the name she gave us, you know,</p> <p>18 that her name was Daisy and that she preferred to be</p> <p>19 called Daisy.</p> <p>20 Q And when you say she, you're talking about</p> <p>21 Cruz Valdivieso?</p> <p>22 A Yes, and I told her, is that your legal name</p> <p>23 because it says Cruz. She says, I go by Daisy I'd</p> <p>24 rather for you to call me Daisy.</p> <p>25 Q Understood. Now, my understanding was that</p>	<p style="text-align: right;">Page 41</p> <p>1 Q So, you're saying that this is about whether</p> <p>2 or not -- is there information that's missing here?</p> <p>3 A No, that you'll be certain -- where it says --</p> <p>4 at the bottom where it says HHA, CNA, Homemaker and</p> <p>5 Companion that says next to it says referral to facility</p> <p>6 agency or Healthcare entity.</p> <p>7 Q Right. Yeah, there's nothing in those boxes.</p> <p>8 So, it is something missing or --</p> <p>9 A Yes, she doesn't -- she didn't do private</p> <p>10 hours.</p> <p>11 Q What does that mean private hours?</p> <p>12 A Like she didn't work with like a private case</p> <p>13 that didn't have Medicaid.</p> <p>14 Q Ms. Valdivieso never provided services to</p> <p>15 somebody that did not have Medicaid. Is that what</p> <p>16 you're saying?</p> <p>17 A Yeah, she always, I think the only cases she</p> <p>18 had, they were both Medicaid. Actually we considered</p> <p>19 Mr. and Mrs. IZIQUE that's two clients with Medicaid.</p> <p>20 And another client that she had was also Medicaid.</p> <p>21 Q However, if clients have a different type of</p> <p>22 insurance that's not Medicare or Medicaid, then it's</p> <p>23 considered private hours?</p> <p>24 A Yes, if it's not yeah, Medicaid.</p> <p>25 Q And are client -- I'm sorry, are caregivers</p>

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<p style="text-align: right;">Page 42</p> <p>1 who have private hours paid on a different rate?</p> <p>2 A No, well it depends on the insurance. Yes, it</p> <p>3 does because Medicaid pays a certain amount and also a</p> <p>4 private, but they're basically pay rate -- basically the</p> <p>5 same for the caregivers.</p> <p>6 Q Who establishes the pay rate for the</p> <p>7 caregivers, is it Medicaid -- I'm sorry. Is it the</p> <p>8 private insurer or is it All VIP?</p> <p>9 A If it's private you're saying or if it's</p> <p>10 Medicaid?</p> <p>11 Q Yeah. Well, let me ask a different question.</p> <p>12 How much was Cruz Valdivieso being paid per hour?</p> <p>13 A 13 at that time.</p> <p>14 Q And so, at the time when she first signed up</p> <p>15 with All VIP, she was being paid \$13 an hour?</p> <p>16 A Yes, it went up to \$13 an hour that's correct.</p> <p>17 Q Okay. Do All Home -- and Ms. Cruz Valdivieso</p> <p>18 was working as a Home Health Aide for All VIP?</p> <p>19 A I'm sorry, I didn't get.</p> <p>20 Q Yeah.</p> <p>21 A Can you repeat the question?</p> <p>22 Q Ms. Cruz was working as a Home Health Aide for</p> <p>23 All VIP?</p> <p>24 A Yes.</p> <p>25 Q Okay. Do all Home Health Aides working for</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Just for the record, the Izique is going to be</p> <p>2 I-Z-I-Q-U-E. So, now let's get into a different -- when</p> <p>3 was her pay rate established on the same day that she</p> <p>4 came in to fill out the application?</p> <p>5 A No, it's not -- it's not the -- on the same</p> <p>6 day of the application. It's when she is hired for a</p> <p>7 case.</p> <p>8 Q Okay.</p> <p>9 A Because she could fill out the application and</p> <p>10 the application can just be there and she could be with</p> <p>11 our employment for, you know.</p> <p>12 Q Got it. So, now let's talk about the next</p> <p>13 step of the process a caregiver signs up -- I'm sorry,</p> <p>14 caregiver fills out the application. All VIP does the</p> <p>15 background check, checks all their certifications. Now,</p> <p>16 how does the caregiver actually start to provide service</p> <p>17 for All VIP's clients?</p> <p>18 A After everything, you know, is good to go,</p> <p>19 then I will call her and I say, "Listen I have a case.</p> <p>20 It's not too far from you." I explained the case</p> <p>21 completely, you know, like the Care plan of the client,</p> <p>22 I explained to her -- I explained to her the hours and</p> <p>23 if she agrees, then I send her a text with the client's</p> <p>24 name, address, telephone number, schedule, pay rate, and</p> <p>25 she would just have to, you know, text back confirm.</p>
<p style="text-align: right;">Page 43</p> <p>1 All VIP make \$13 an hour?</p> <p>2 A Some don't make \$13 an hour. Right now</p> <p>3 they're all making 15, you know, State mandatory, at</p> <p>4 that time it wasn't State mandatory. A lot of them were</p> <p>5 making less, so that's why they were coming here because</p> <p>6 we were paying more.</p> <p>7 Q Okay. When did the State mandate that Home</p> <p>8 Health Aides make \$15 an hour?</p> <p>9 A October of last year.</p> <p>10 Q However, before October 2022, were Home Health</p> <p>11 Aides able to negotiate their own rate with All</p> <p>12 VIP?</p> <p>13 A Yeah, they always did that, yes.</p> <p>14 Q Okay. And the \$13 an hour that Cruz</p> <p>15 Valdivieso was making, was that more or less than what</p> <p>16 the average of was for Home Health Aides?</p> <p>17 A More.</p> <p>18 Q Why was she able to negotiate more?</p> <p>19 A Because she was doing two, husband and wife,</p> <p>20 you know, at the same, you know, at the same home. And</p> <p>21 she said it was becoming -- it was difficult. So, yeah,</p> <p>22 that's what she was paid.</p> <p>23 Q And when you say husband and wife, you're</p> <p>24 talking about the Izique case?</p> <p>25 A Yes, the Izique case.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q And does Ms. Cruz had the ability to reject</p> <p>2 that offer?</p> <p>3 A Yes, if she didn't want the case, she, you</p> <p>4 know, she said, "I don't want the case. Find me another</p> <p>5 one." Yes, of course we won't leave anyone if they</p> <p>6 don't feel comfortable in a -- in that client's home.</p> <p>7 And that's one of the things I tell them</p> <p>8 before they are hired, you know, if you don't feel</p> <p>9 comfortable in a client's home, you have to let me know</p> <p>10 or we can, you know.</p> <p>11 Q How does All VIP find its clients to match</p> <p>12 them with the caregivers?</p> <p>13 A Well, it usually we go by how the distance,</p> <p>14 the distance experience the language Izique's wanted a</p> <p>15 Spanish caregiver. Some clients prefer, you know can</p> <p>16 they be central American, you know, they like, they want</p> <p>17 to be specific, you know.</p> <p>18 Q Um-hum.</p> <p>19 A And we just match them like that.</p> <p>20 Q And how does All VIP find the patients in the</p> <p>21 first place?</p> <p>22 A Okay. Since we work with Medicaid, we work</p> <p>23 with a lot of case managers. Case managers will call</p> <p>24 us, let us know, you know, we have a client, they give</p> <p>25 us, you know, the address, all the information that we</p>

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<p style="text-align: right;">Page 46</p> <p>1 provide, you know, to the caregivers, the care plan and</p> <p>2 all that.</p> <p>3 And then they send us the authorization. And</p> <p>4 from there, you know, it's put into the system, schedule</p> <p>5 is created and once the schedule is created, you know,</p> <p>6 and we already chose the caregiver, but the caregiver,</p> <p>7 it's enter into the client's schedule.</p> <p>8 So, that's how, you know, we can know the</p> <p>9 hours and payroll could be run.</p> <p>10 Q So, the care plan consists of the schedule for</p> <p>11 the patient. Is that correct?</p> <p>12 A No, the care plan explains to them what needs</p> <p>13 to be done in the client's home. Like if they have</p> <p>14 personal care, they have companion, they have</p> <p>15 homemaking, so everything is explained to them.</p> <p>16 Q And do you ever communicate with the Medicaid</p> <p>17 case managers personally?</p> <p>18 A Yes, I do. I have to.</p> <p>19 Q Okay. That's part of your job?</p> <p>20 A Yes.</p> <p>21 Q All right. So, you could be sitting down in</p> <p>22 the office and then a Medicaid case manager will call</p> <p>23 and say, "Hey, I have this patient that needs these</p> <p>24 services."</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 A They -- um-hum.</p> <p>2 Q Is there a separate application that patients</p> <p>3 fill out when they have -- when they are working with</p> <p>4 All VIP?</p> <p>5 A Okay. It's called the start of care. Okay.</p> <p>6 When I call them, I ask them, you know, let the plan of</p> <p>7 care, what is it that you're, you know, the client</p> <p>8 needs.</p> <p>9 Do they need bathing every day? Do they need</p> <p>10 to be fed? Are they bedridden or, you know, wheelchair,</p> <p>11 all those questions. That's the health plan.</p> <p>12 And then we go with the other plan, which is</p> <p>13 the hurricane preparedness in case there's a hurricane.</p> <p>14 Do you need a caregiver during or do you need to be</p> <p>15 registering a special needs shelter?</p> <p>16 The other plan is, which is a client -- that's</p> <p>17 the contract client's agreement, which is if the</p> <p>18 caregiver drives them, you know, any place like for a</p> <p>19 Doctor's appointment or anything happens to them, they</p> <p>20 cannot sue, you know, the aide or the company.</p> <p>21 Because they requested, you know, for the aide</p> <p>22 to take them, you know, to do errands or for doctor's</p> <p>23 appointments. That's part of client service agreement.</p> <p>24 Q Sorry, the -- besides the phone call that you</p> <p>25 make to the client for the start of care, does the</p>
<p style="text-align: right;">Page 47</p> <p>1 Q "And they need this schedule and can you</p> <p>2 please find us a caregiver to work with them?"</p> <p>3 A That's correct.</p> <p>4 Q Okay. So, the schedule is created by you and</p> <p>5 the case manager or the case manager calls already with</p> <p>6 a schedule in place?</p> <p>7 A Sometimes the case manager has like, she'll</p> <p>8 give me the schedule, this is the schedule that the, you</p> <p>9 know, the client wants and the client needs.</p> <p>10 And then sometimes when I call the client, it</p> <p>11 is totally different schedule than what the case manager</p> <p>12 gave me. So, that's why I always call the client, to,</p> <p>13 you know, confirm --</p> <p>14 Q Okay.</p> <p>15 A -- all the information.</p> <p>16 Q And is there a contractual agreement between</p> <p>17 All VIP and the client or All VIP and Medicaid?</p> <p>18 A No, it will be All VIP and with I'm talking --</p> <p>19 I'm sorry. You meant the client with -- if they have a</p> <p>20 contract with us?</p> <p>21 Q Right.</p> <p>22 A Yes.</p> <p>23 Q The patients, right?</p> <p>24 A Yes.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 49</p> <p>1 patient also sign a document before Care is administered</p> <p>2 to them through VIP?</p> <p>3 A Document and like the application that -- I</p> <p>4 don't understand what other --</p> <p>5 Q Yeah, just --</p> <p>6 A What other application. No problem --</p> <p>7 Q No. Talking about specifically for the</p> <p>8 patient, let's say -- let's use an example for, one of</p> <p>9 the Izique, let's say Cesar Izique. Does Cesar Izique</p> <p>10 have any written contract with All VIP?</p> <p>11 A Just the one I told you, the client service,</p> <p>12 you know, the -- it's called the start of care where</p> <p>13 they give me the doctor's information in case of, you</p> <p>14 know, emergency numbers.</p> <p>15 Like I had the sister, both sisters name and</p> <p>16 phone number, all that, they have to give me is called</p> <p>17 start of care that we have to go through and they -- and</p> <p>18 I go through the questions over the phone, and then if</p> <p>19 they --</p> <p>20 Q Okay. Sorry. And you fill out the start of</p> <p>21 care information?</p> <p>22 A Yes, I fill out the start of care information</p> <p>23 and I explained to them everything and if they agree,</p> <p>24 then everything they, you know, they signed, I mailed it</p> <p>25 to them.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Like this one was during -- say, during the</p> <p>2 hurr -- the pandemic, I had it to mail it out to them.</p> <p>3 Q Um-hum.</p> <p>4 A If not, we -- I usually go to the client's</p> <p>5 home and you know, meet them there and go through all</p> <p>6 that with them.</p> <p>7 Q And then you have the client sign the start of</p> <p>8 care paperwork?</p> <p>9 A The person that has -- the person that's in</p> <p>10 charge because the clients couldn't sign.</p> <p>11 Q Oh, you mean --</p> <p>12 A It's a person in charge.</p> <p>13 Q Okay.</p> <p>14 A It has a POA.</p> <p>15 Q Got it. A Power of Attorney. Right. Okay.</p> <p>16 And so, does the caregiver also have a contract with the</p> <p>17 client. So, let's say in this particular case, did</p> <p>18 Ms. Cruz have a separate contract with the Izique?</p> <p>19 A No, not that I know of.</p> <p>20 Q Okay. So, as far as contracts go, Ms. Cruz</p> <p>21 has a contract with VIP, correct. That's the 26-page</p> <p>22 application we just looked at?</p> <p>23 A That's correct.</p> <p>24 Q And then separately, the patient or the client</p> <p>25 has a contract with All VIP, correct?</p>	<p style="text-align: right;">Page 52</p> <p>1 able to do it, we tell them you have to clock in and</p> <p>2 clock out on your phone.</p> <p>3 There's going to be times that maybe you're</p> <p>4 not going to have, you know, internet service or you</p> <p>5 know, can be down. We always require a time sheet no</p> <p>6 matter what.</p> <p>7 Even if you clock in or if you clock out, we</p> <p>8 have, and it has to be signed by the client or the</p> <p>9 person that's in charge of the cl -- you know, like they</p> <p>10 seek us with the daughter. There's always a time sheet</p> <p>11 that needs to turn in. He turn in on Mondays.</p> <p>12 Q And where does that time sheet go?</p> <p>13 A It goes into the client's document a file.</p> <p>14 Q Does any time sheet have to be ultimately</p> <p>15 submitted to Medicare or Medicaid?</p> <p>16 A If they ask aspirate, we have to give it to</p> <p>17 them. That's why we keep it on file. That's -- it's</p> <p>18 very important to have those time sheets and, you know,</p> <p>19 have them signed.</p> <p>20 Q How does Medicare or Medicaid ultimately make</p> <p>21 payment to All VIP, what does Medicaid need to --</p> <p>22 does -- is there any document that Medicaid needs to be</p> <p>23 able to make payment for service?</p> <p>24 A That -- I'm not in charge of that part of</p> <p>25 payroll, but -- so I cannot be like, give you like a</p>
<p style="text-align: right;">Page 51</p> <p>1 A Yes.</p> <p>2 Q All right. And then All VIP just puts those</p> <p>3 two parties together, meaning the caregiver and the</p> <p>4 patient?</p> <p>5 A That's correct.</p> <p>6 Q Okay. All right. Now, after -- who determines</p> <p>7 the hours that a patient can be provided service?</p> <p>8 A In this case is -- in this case, since it's</p> <p>9 Medicaid, Medicaid gives the authorization. If it's</p> <p>10 private, well, it'll be the, you know, the private</p> <p>11 client.</p> <p>12 Q Are there times when the client wants more</p> <p>13 service in terms of hours, but Medicaid can, says that</p> <p>14 they can't have more?</p> <p>15 A Yes, that happens a lot.</p> <p>16 Q Now, when there is a Medicaid patient, such as</p> <p>17 the Izique, how does billing work, does the caregiver</p> <p>18 have to fill out a certain document that needs to be</p> <p>19 submitted to Medicare?</p> <p>20 A Okay. This is how it works. When they come</p> <p>21 in, we teach them how to clock in and clock out on an</p> <p>22 app that they have to download on their phone. A lot of</p> <p>23 them, you know, are not very computer, you know, savvy.</p> <p>24 So, we have to go step-by-step to teach them,</p> <p>25 you know, how it works. Once that we know that they're</p>	<p style="text-align: right;">Page 53</p> <p>1 correct answer if, you know, if they bill weekly or</p> <p>2 monthly or every two weeks, I can't give you that</p> <p>3 answer.</p> <p>4 Q Okay. Are you responsible for overseeing the</p> <p>5 hours that are submitted by the caregivers?</p> <p>6 A Yes, everything that has to do with the hours</p> <p>7 of the client. Yes.</p> <p>8 Q So, in this particular case, going back to</p> <p>9 Cruz Valdivieso when was she paired with the Izique?</p> <p>10 A You need the exact date?</p> <p>11 Q No, I just wanted to get an idea, like really</p> <p>12 I was more so trying to find out if the application that</p> <p>13 we looked at is correct. It seems that she started with</p> <p>14 All VIP on May 3rd, 2021. That's when she filled out</p> <p>15 her application.</p> <p>16 A Yeah, but she didn't start -- she didn't start</p> <p>17 that month, but that year, yes.</p> <p>18 Q Okay. And that's all I'm really trying to</p> <p>19 figure out. Not the exact date that she was --</p> <p>20 A Okay.</p> <p>21 Q -- paired with the Izique. I just wanted to</p> <p>22 know, you know, she signed her application with All VIP</p> <p>23 and then about how long after that did she start working</p> <p>24 with a first client --</p> <p>25 A It was the same.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q -- she was paired with?</p> <p>2 A Yeah, it was the same year. It was the same</p> <p>3 year. Couple months, I say maybe.</p> <p>4 Q Were the Izique's the first clients that All</p> <p>5 VIP paired Ms. Cruz with?</p> <p>6 A She had more than one client that was not her</p> <p>7 first client.</p> <p>8 Q Do you remember her --</p> <p>9 A First client.</p> <p>10 Q Oh, go ahead.</p> <p>11 A Yes, I remember her first client. It was in</p> <p>12 Pembroke Pines last name Alicia Soto. And I'm not</p> <p>13 mistaken, Soto.</p> <p>14 Q Was Ms. Soto a Medicare patient?</p> <p>15 A Yeah, she was also on Medicaid, yes.</p> <p>16 Q Medicaid. Okay. Now, did Ms. Cruz have any</p> <p>17 issues with her placement with Alicia Soto?</p> <p>18 A Well, according to the client's daughter that</p> <p>19 they, you know, they really liked during the beginning,</p> <p>20 but then because of the hours she was very cushy.</p> <p>21 You know, I need more hours, I need hours, I</p> <p>22 need hours, you need a call and ask for more hours. And</p> <p>23 you know, that's, you know, the only thing that I got,</p> <p>24 you know, from clients, not only the Soto's, but also</p> <p>25 from the Izique's.</p>	<p style="text-align: right;">Page 56</p> <p>1 caregivers at that, you know, with one client. She did</p> <p>2 all the hours.</p> <p>3 Q Okay. Why couldn't you have two caregivers</p> <p>4 with one client?</p> <p>5 A Why should I? I mean --</p> <p>6 Q No, I don't mean at the same time, I don't</p> <p>7 mean like from --</p> <p>8 A Oh.</p> <p>9 Q I don't mean from like, oh, from 9:00 to 4:00</p> <p>10 you have, you know, Cruz and another caregiver. I mean,</p> <p>11 like, if it was 09:00 to 04:00, did somebody else come</p> <p>12 in from Florida --</p> <p>13 A No, no, no.</p> <p>14 Q -- Oh yeah. Got it. And the only thing I was</p> <p>15 trying to clarify was, okay. I know Ms. Cruz is a home</p> <p>16 health aide, but did somebody come later that might have</p> <p>17 been a CNA or --</p> <p>18 A Oh, you mean like if she had -- oh yeah, I --</p> <p>19 okay. I understand you now. Like if she had long hours</p> <p>20 and then somebody, another caregiver that did another</p> <p>21 shift.</p> <p>22 Q Right?</p> <p>23 A No, no this case wasn't like that.</p> <p>24 Q Okay.</p> <p>25 A The Izique case was, yeah.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q Okay. So, in Alicia Soto's case, Alicia Soto</p> <p>2 was the patient and her daughter was her Power of</p> <p>3 Attorney.</p> <p>4 A Yes, that's correct. The daughter was the</p> <p>5 power of attorney.</p> <p>6 Q And you received a complaint from the daughter</p> <p>7 that Ms. Cruz was being too pushy and asking them to</p> <p>8 provide more hours for her?</p> <p>9 A Yes, that's correct.</p> <p>10 Q Okay. Around what time period did you start</p> <p>11 receiving complaints about -- from Ms. Soto's daughter,</p> <p>12 about Ms. Cruz?</p> <p>13 A I don't -- I think she was there just for a</p> <p>14 couple months, but towards the end, right before, you</p> <p>15 know, Daisy or Cruz decided she didn't -- she gave me</p> <p>16 time to find somebody else for that client.</p> <p>17 Q Okay. Now, in Ms. Soto's case was Ms. Cruz</p> <p>18 the only home health aide providing care for her from</p> <p>19 All VIP?</p> <p>20 A For Soto, yes. For Soto, yes not for the</p> <p>21 Izique's.</p> <p>22 Q And was -- let me be more specific. Was</p> <p>23 Ms. Cruz the only caregiver providing services on behalf</p> <p>24 of All VIP to Ms. Soto?</p> <p>25 A At that time, yes. We couldn't have two</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Got it. Okay. After Ms. -- okay. Did</p> <p>2 Ms. Cruz ever complain about not being paid her hours</p> <p>3 properly when she gave care to Ms. Soto?</p> <p>4 A No, I'm sorry. Let me -- I'm sorry. Let me,</p> <p>5 correct that. One day she, I guess the client called</p> <p>6 her to ask if she can do respite hours. Respite hours</p> <p>7 are extra hours that are given to the client.</p> <p>8 If a family member needs to, you know, take a</p> <p>9 vacation or needs to do something personal. Those are</p> <p>10 extra hours that they're given to the -- to release the,</p> <p>11 you know, the family member.</p> <p>12 Q Um-hum.</p> <p>13 A And she called me, she says, they called me</p> <p>14 and they asked me if I can do these hours. And I told</p> <p>15 them I'm able to do them. And I said, okay. But do not</p> <p>16 start until I get the authorization.</p> <p>17 And this was something that I constantly had</p> <p>18 to tell her because she didn't understand that she just</p> <p>19 went by what the clients, you know, told her.</p> <p>20 So, I said no, the case manager might, you</p> <p>21 know, tell her that she has certain hours approved, but</p> <p>22 it doesn't mean that they are, you know, that's what I</p> <p>23 have on my side. I have to go by the authorization.</p> <p>24 I told her, "If you work more than those</p> <p>25 hours, you're not going to get paid." I told her, "You</p>

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<p style="text-align: right;">Page 58</p> <p>1 work the hours that I tell you." She goes, "Okay fine." 2 The next thing, "The daughter told me to stay, so you 3 owe me more hours because the daughter told me to stay." 4 And then I said, "Here we go again." I told 5 her, "You're not allowed to work over the hours. You're 6 not allowed to work overtime, I told you, unless we have 7 the authorization." 8 And so, I had to call the case manager, call 9 the family member. Okay. And explain to them what she 10 had done, that she worked like, I think it was like 11 maybe four extra hours. 12 And it took, it was -- it's a process. And I 13 told her, now you're going to have to wait because now I 14 have to ask for another authorization to see if they 15 approved it. 16 Because according to the case -- to the case 17 manager, these were the hours that she had the case 18 manager told the, you know, the family member something 19 else. It's not my fault. 20 Q Right. 21 A I go by what the authorization. Well, I -- 22 she didn't -- to her, it's like speaking to the wall. 23 Q Okay. So -- 24 A So, I said, now you, I told her she had to -- 25 Q Got it. And so, just to make sense of what</p>	<p style="text-align: right;">Page 60</p> <p>1 would like Cruz to work like four extra hours," for 2 example, right? 3 A Yeah, she didn't say to work the four extra 4 hours. She would tell, you know, she would tell them, 5 "Oh, I already got the case manager call me and she said 6 that I had such and such hours, you know." 7 Q Okay. You're saying Cruz would call you and 8 say that? 9 A No, the family members of the client. 10 Q Oh, the daughter would say that. Okay. The 11 daughter. 12 A Yeah. And then sh -- 13 Q Yeah. 14 A I'm sorry. 15 Q But -- no problem. Sorry because I'm cutting 16 you off now. But for All VIP's purposes, you only have 17 one authorization for a certain number of hours. You 18 don't have a second authorization for these respite 19 hours that are being requested? 20 A Yes, they -- the Medicaid will give us 21 authorization for respite hours, but if they say it's 22 10, it's 10. They -- they're very specific. They won't 23 say, 10 hours in two days. No. If it's 10 hours in one 24 day, then it's 10 hours in one day. 25 Q Okay.</p>
<p style="text-align: right;">Page 59</p> <p>1 you're saying, Medicare or Medicaid is going to 2 authorize a certain number of hours that care can be 3 given to a ca -- a client, correct? 4 A That's correct -- 5 Q Okay. 6 A -- Your Counsel. 7 Q And then sometimes the Power of Attorney in 8 this case, Alicia Soto's daughter said, "I need respite 9 hours," correct? 10 A Yes. To the case manager. 11 Q To the case manager, right. And I think 12 respite is going to be spelled for the record 13 R-E-S-P-I-T-E. Is that right? 14 A That's correct, Your Counsel. 15 Q All right. And so, the do -- what was -- do 16 you remember Alicia Soto's daughter's name? 17 A Well, there was so many of them in here. It's 18 the party -- 19 Q No, you don't -- you don't have to look at 20 anything if you don't remember. That's fine -- that's 21 fine. 22 A No, I don't. I'm sorry. 23 Q You don't remember. Okay. That's fine. But 24 either way and what Ms. Soto's daughters was saying is 25 like, "I need my own time for myself, so I need -- I</p>	<p style="text-align: right;">Page 61</p> <p>1 A You know, you can't split them. 2 Q But either way, you have to get the 3 authorization first before the Home Health Aide works? 4 A That's correct. Your Counsel. 5 Q And you're saying in this case -- in the 6 Soto's case, Ms. Cruz didn't wait for you to get the 7 authorization for the respite hour. She just worked 8 them and then came to you after and said, "Pay me for 9 them now?" 10 A Okay. That's correct. Your Counsel. 11 Q Okay. And then what you have to do is on your 12 end now, you have to go retroactively get the 13 authorization? 14 A If they authorized. 15 Q If they authorized it. Okay. Got it. And 16 so, in this case, were you able to retroactively get the 17 authorization from Ms. Soto's respite hours? 18 A It took a couple of months for them to 19 approve. 20 Q When the authorization was finally approved, 21 was Ms. Cruz paid those extra hours? 22 A Yes, I called her myself and I was like, 23 really happy, you know, I said, "Hey, listen, you know, 24 it was approved and those hours will be, you know, paid 25 in your next paycheck", once it was approved. But at</p>

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<p style="text-align: right;">Page 62</p> <p>1 that time, this was going on with the Izique case. There</p> <p>2 was an issue with their schedule.</p> <p>3 Q Okay. Got it. So, now let's talk about the --</p> <p>4 well, let me ask you this. How many clients overall did</p> <p>5 All VIP pair with Ms. Cruz?</p> <p>6 A After she was done with the Soto she had</p> <p>7 Angela Melendez. And then she didn't really, like that</p> <p>8 case, said she didn't really deal with that client. And</p> <p>9 then that's when she started with the Izique's.</p> <p>10 Q After the Izique's, did Ms. Cruz work with any</p> <p>11 other patients for All VIP?</p> <p>12 A Not that I can recall. Just Jolanda Izique,</p> <p>13 Cesar Izique, the Soto's and Angela Melendez.</p> <p>14 Q Got it. Okay. Now, I'm just going to go</p> <p>15 through the same thing with each one. So, let's start</p> <p>16 with Angela Melendez, were there any -- did Ms. Cruz</p> <p>17 complain about any payment issues with Angela Melendez?</p> <p>18 A With Angela Melendez, she had an issue because</p> <p>19 she was putting hours that she didn't work.</p> <p>20 Q Okay. On her time sheet?</p> <p>21 A Yes.</p> <p>22 Q How do you know she did not work the hours?</p> <p>23 A Because I called the client because it wasn't</p> <p>24 signed. And this client usually calls me. So, I called</p> <p>25 the client to confirm if those hours were worked and</p>	<p style="text-align: right;">Page 64</p> <p>1 A And she's still our client.</p> <p>2 Q Now, how -- so, you're saying that All VIP had</p> <p>3 a care plan for Ms. Melendez, correct?</p> <p>4 A That's correct.</p> <p>5 Q That care plan authorized certain hours for</p> <p>6 Ms. Melendez to receive service?</p> <p>7 A That's correct.</p> <p>8 Q Ms. Cruz was placed on a schedule to provide</p> <p>9 those hours to Ms. Melendez?</p> <p>10 A That's correct.</p> <p>11 Q And on one particular day or certain days, she</p> <p>12 just did not appear and work the days on the schedule?</p> <p>13 A That's correct.</p> <p>14 Q But she still put on her time sheet that she</p> <p>15 did work those days?</p> <p>16 A That's correct. She put them in the sheet,</p> <p>17 worked.</p> <p>18 Q And the way that you found out was you called</p> <p>19 Ms. Melendez to say, "Hey, Medicare is reducing your</p> <p>20 hours of authorization." And at that time, Ms. Melendez</p> <p>21 has informed you, "Oh, well Ms. Cruz has not been</p> <p>22 working these hours."</p> <p>23 A No, that day that I went to confirm the time</p> <p>24 sheet for that Friday.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 63</p> <p>1 because I had called it to tell her that all her</p> <p>2 authorization was -- a couple of hours decreased.</p> <p>3 So, I also wanted to tell her that. And then</p> <p>4 she told me, well, she didn't work that day. And I</p> <p>5 said, "What do you mean?" I said, she has it down here</p> <p>6 that she worked on Friday, six hours.</p> <p>7 And lucky she was there -- Cruz was there at</p> <p>8 the home when I called. And then the client said, "Why</p> <p>9 did you put that you worked on Friday? You know, you</p> <p>10 didn't -- you didn't work." And then she was quiet. I</p> <p>11 heard her, she was like, the silent. And then she said,</p> <p>12 "Oh, I didn't know, I put it down."</p> <p>13 Q So, you could hear a conversation going on</p> <p>14 through the phone on the Melendez --</p> <p>15 A Um-hum.</p> <p>16 Q Between Melendez and Cruz?</p> <p>17 A Yes.</p> <p>18 Q Okay. And Ms. Melendez, did she have a Power</p> <p>19 of Attorney or did you speak directly with her?</p> <p>20 A No, directly with her. She's okay to -- she</p> <p>21 don't have no Power of Attorney.</p> <p>22 Q Okay. And was she also a Medicare or Medicaid</p> <p>23 patient?</p> <p>24 A She was Medicaid, yes.</p> <p>25 Q Medicaid.</p>	<p style="text-align: right;">Page 65</p> <p>1 A Yeah, and Ms. Cruz knew as well, but I called</p> <p>2 the client, so the client don't tell her, oh, you have</p> <p>3 to work it, you know.</p> <p>4 Q I see.</p> <p>5 A When I called --</p> <p>6 Q Yeah, sorry, go ahead.</p> <p>7 A But when I called the client, the client told</p> <p>8 me, "Oh, I already knew. They already called me and I</p> <p>9 already told Daisy." And I said, "You told Daisy as</p> <p>10 well?" And she still went ahead and put down that she</p> <p>11 worked and that's when she confronted her. The client</p> <p>12 confronted her.</p> <p>13 Q I see. So, why did you have a suspicion that</p> <p>14 Ms. Cruz had falsified a time sheet?</p> <p>15 A I had, you know why because I was already</p> <p>16 watching her because I don't know if I should go into</p> <p>17 this part or just --</p> <p>18 Q No, you should.</p> <p>19 A For you to --</p> <p>20 Q No, you should. Yeah, listen, because I'm</p> <p>21 going to go into it anyway. So, I mean, because I want</p> <p>22 to know why you had a -- I just want to know why you</p> <p>23 thought the time sheet hours were not correct. So,</p> <p>24 that's what we're getting?</p> <p>25 A Yeah.</p>

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<p style="text-align: right;">Page 66</p> <p>1 Q Yeah.</p> <p>2 A Okay. She was not clocking in and out and she</p> <p>3 was -- she's supposed to clock in and out, so you know,</p> <p>4 I always had to hear this excuse, oh, it doesn't work --</p> <p>5 it doesn't work.</p> <p>6 I said, "But every day it doesn't work." I</p> <p>7 said, "There's on the Izique's I have all the caregivers</p> <p>8 there and they're clocking in and clocking out."</p> <p>9 So, at that time, Daisy she was very</p> <p>10 frustrated because she told me she had a debt of a</p> <p>11 \$40,000 and she needed to work. I said, "I understand,</p> <p>12 but your hours are overlapping. You -- how can you work</p> <p>13 more than 24?</p> <p>14 There's 24 hours in one day and you're putting</p> <p>15 in more hours." I said, "You need to clock in and clock</p> <p>16 out because this is going to cost issue with payroll."</p> <p>17 Everything was explained to her and, you know, it is</p> <p>18 just like she didn't understand.</p> <p>19 She was just so -- she had so much stress</p> <p>20 because of that debt that she had all that, that's all</p> <p>21 she kept talking about. And you know, I was trying --</p> <p>22 Q No, sorry, I'll let you continue. Yeah.</p> <p>23 A So, when the caregiver that was there, okay.</p> <p>24 There was a new caregiver that went in and told me,</p> <p>25 well, she's -- she says, "I'm going to tell you the</p>	<p style="text-align: right;">Page 68</p> <p>1 the stress." I told her.</p> <p>2 And then, it came out to be, when I spoke to</p> <p>3 one of the other daughters, she was putting all these</p> <p>4 extra hours because some hours were being paid</p> <p>5 privately.</p> <p>6 And then it slipped on one of the daughters</p> <p>7 that when, you know, spoke to me, she goes, "Oh, she was</p> <p>8 not supposed to put those hours there. Oh, I'm sorry.</p> <p>9 Well, I need to speak to her. I already told her, you</p> <p>10 know, the hours that are private and the hours that are</p> <p>11 with you."</p> <p>12 And that's when everything had exploded, you</p> <p>13 know, with the --</p> <p>14 Q Okay. Now, when you're talking about the</p> <p>15 daughters, you're talking about the Izique's daughters?</p> <p>16 A Yes, I had Anna and Susana.</p> <p>17 Q Okay. And Anna's going to be Anna Marie</p> <p>18 Roland.</p> <p>19 A Yeah, I have her as Izique.</p> <p>20 Q Izique. Okay. So, let me -- let's backtrack</p> <p>21 a little bit because when you are talking, I think</p> <p>22 you're kind of, you know what happened, but I don't,</p> <p>23 so --</p> <p>24 A Okay.</p> <p>25 Q I think you are sort of like, combining</p>
<p style="text-align: right;">Page 67</p> <p>1 truth, she is leaving early when I -- you know, by the</p> <p>2 time she's supposed to stay here, those hours when I</p> <p>3 come in, she leaves before time."</p> <p>4 So, when I started, you know, putting two and</p> <p>5 two together, she was putting a lot of hours on her</p> <p>6 time. She was not clocking in. Melendez was telling me</p> <p>7 she was, you know, that, you know, she put hours that</p> <p>8 she didn't work.</p> <p>9 So, that's when we -- I started, you know,</p> <p>10 doing a little bit of investigation on my side because</p> <p>11 she kept complaining. So, when I told her, I spoke to</p> <p>12 the daughter and I said, the -- because the daughter was</p> <p>13 also concerned, you know, "They're not paying me the</p> <p>14 hours that I'm working."</p> <p>15 And you know, and Izique's daughters were</p> <p>16 like, "Oh my God, you know, she's going to leave and I</p> <p>17 can't be without a caregiver and I need her because she</p> <p>18 already." You know, she had -- I don't know like the</p> <p>19 word to use, but she bribed them, you know, like, oh,</p> <p>20 you know. "I'm going to leave if you don't take care of</p> <p>21 this."</p> <p>22 She was putting all the burden to the client</p> <p>23 and I told her, "That's not the client's, you know,</p> <p>24 business you need to call us. They don't do payroll for</p> <p>25 you." And I said, "You know, you can't give the client</p>	<p style="text-align: right;">Page 69</p> <p>1 everything together and I need to break it out a little</p> <p>2 bit.</p> <p>3 A Okay.</p> <p>4 Q Let's talk about the debt. When did Ms. Cruz</p> <p>5 first start telling you about this \$40,000 debt she had?</p> <p>6 A She's like a couple of months later that</p> <p>7 she's -- when she was still with the Soto's.</p> <p>8 Q Okay. But not like when she immediately came</p> <p>9 in to apply for a job with All VIP, she just --</p> <p>10 A No, she didn't.</p> <p>11 Q Okay.</p> <p>12 A No, she didn't tell me that like that on the</p> <p>13 first.</p> <p>14 Q And when she started mentioning the debt to</p> <p>15 you, was this in-person in the office or was she telling</p> <p>16 you over the phone, how did she communicate it?</p> <p>17 A She told me when she started. Remember I told</p> <p>18 you in the beginning that she used to come constantly,</p> <p>19 you know, to see if we have any other cases or to bring</p> <p>20 her time sheet. That's when she told me over the phone</p> <p>21 and on in-person, both.</p> <p>22 Q Did she say what -- did she say what the debt</p> <p>23 was for?</p> <p>24 A Yes.</p> <p>25 Q What was it for?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A Dental work.</p> <p>2 Q All right. And so, how often would she</p> <p>3 complain about that \$40,000 debt?</p> <p>4 A Every time that, you know, she have</p> <p>5 overlapping in her hours, you know, and I'm very, you</p> <p>6 know, when it comes down to the aides getting paid every</p> <p>7 Friday, I'm very responsible with that.</p> <p>8 I want them to get paid and to get paid for</p> <p>9 what they work for. Okay. She was the only issue</p> <p>10 because she was putting hours that she didn't work, so</p> <p>11 it was overlapping.</p> <p>12 I couldn't put any more hours in there. So,</p> <p>13 this is when you know, oh, she's, "Ah, I need to pay the</p> <p>14 debt." You know, "You guys are not paying me", you</p> <p>15 know, "All my hours." You know, that's when she started</p> <p>16 getting a little bit frustrated.</p> <p>17 Q When you confronted Ms. Cruz about overlapping</p> <p>18 hours, was her response that she did not put down</p> <p>19 overlapping hours or she just said, "I have to pay my</p> <p>20 debt?"</p> <p>21 A No, she said, "Oh, I worked it", like really</p> <p>22 upset. "I worked those hours and you need to pay me and</p> <p>23 if you don't pay me, then I'm going to have the client's</p> <p>24 family to pay me." And she was doing that to the Mel --</p> <p>25 to Ms. Melendez too. She was threatening Melendez.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q By three clients, you mean, Cesar Izique,</p> <p>2 Jolanda Izique and Ms. Melendez?</p> <p>3 A Um-hum.</p> <p>4 Q Just for the record, you have to say yes, but</p> <p>5 that's, yeah. So, I'm going to -- I'm just going to</p> <p>6 repeat that question.</p> <p>7 When you say Ms. Cruz had three clients, you</p> <p>8 mean Cesar Izique, Jolanda Izique, and Ms. Melendez?</p> <p>9 A That's correct.</p> <p>10 Q Now, Cesar Izique and Jolanda Izique were in</p> <p>11 the same household?</p> <p>12 A Cesar and Jolanda were in the same household.</p> <p>13 Q When Ms. -- do they have -- does Medicare</p> <p>14 consider them as separate patients for authorization</p> <p>15 purposes?</p> <p>16 A That's correct.</p> <p>17 Q So, when Ms. Cruz is providing care to the</p> <p>18 Izique's, how is she supposed to bill that time because</p> <p>19 isn't she there with them together at the same time?</p> <p>20 A Okay. So, this is how it works. She -- let's</p> <p>21 say that Jolanda has, I think Jolanda had less hours.</p> <p>22 So, let's say Jolanda had four hours, you</p> <p>23 know, she worked there 9, 10, 11 to 12. And then after</p> <p>24 that she will work with Mr. Izique. So, that's -- that</p> <p>25 authorization is for that client.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q Okay. Ms. Melendez was the second person that</p> <p>2 All VIP paired --</p> <p>3 A Yes.</p> <p>4 Q -- Ms. Cruz with?</p> <p>5 A Yes.</p> <p>6 Q Okay. And she -- Ms. Cruz worked with Ms.</p> <p>7 Melendez for about how long, in months?</p> <p>8 A For a couple months, I'd say. She was on --</p> <p>9 I'd say maybe three months steady like that. Maybe like</p> <p>10 three months.</p> <p>11 Q Okay. When did you start noticing issues with</p> <p>12 the overlapping hours when Ms. Cruz was given care to</p> <p>13 Ms. Melendez?</p> <p>14 A No, there was no overlapping with Melendez. It</p> <p>15 started off with the Izique's --</p> <p>16 Q With the Izique?</p> <p>17 A That's when everything started.</p> <p>18 Q Okay. And when you say overlapping hours, you</p> <p>19 were saying that the only way she could have overlapping</p> <p>20 hours is if she was working with another patient for All</p> <p>21 VIP, correct?</p> <p>22 A Well, she had three clients. Remember she had</p> <p>23 three clients, and when she decided to go full-time with</p> <p>24 the Izique's she, you know, she didn't no longer work</p> <p>25 with Melendez. She --</p>	<p style="text-align: right;">Page 73</p> <p>1 But she -- there was more than one aide there.</p> <p>2 It was not just Ms. Cruz, there was also other aides,</p> <p>3 two more aides there. So, that's how it was --</p> <p>4 Q Same time.</p> <p>5 A -- split.</p> <p>6 Q At the same time?</p> <p>7 A At certain days of the time, yes like in the</p> <p>8 morning one will be there. I have to schedule one here.</p> <p>9 Q Okay. Let me see if I can bring it up because</p> <p>10 I think I have --</p> <p>11 A Because they had a lot of hours, she didn't</p> <p>12 work the whole hours.</p> <p>13 Q Okay. Let me do this. I'm going to make what</p> <p>14 I call Exhibit B.</p> <p>15 (Thereupon, Plaintiff's Exhibit B was entered</p> <p>16 into the record.)</p> <p>17 BY MR. CUMMINGS:</p> <p>18 Q And let me see if this helps you explain what</p> <p>19 I'm talking about because I already have a document. If</p> <p>20 not, then, you know, you can let me know. Can you see</p> <p>21 the document I'm showing you on my screen right now?</p> <p>22 A Yeah, that's the one I sent off, yes.</p> <p>23 Q Okay. Got it. All right. So, if you can, I</p> <p>24 guess just explain this to me. So, at the first, let me</p> <p>25 just explain what this is.</p>

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<p style="text-align: right;">Page 74</p> <p>1 I'm looking at a document, an Exhibit B that</p> <p>2 says HHA Exchange and the top left-hand corner. And in</p> <p>3 the middle it says, Patient Calendar.</p> <p>4 There's a patient name circle that says,</p> <p>5 Iziq A. Cesar. And this is a eight page document and</p> <p>6 it just has like a lot of green boxes that look like a</p> <p>7 schedule.</p> <p>8 So, Ms. Ramirez, looking at this first page,</p> <p>9 can you please explain what I'm looking at here?</p> <p>10 A Okay. Those are the hours. If you see it</p> <p>11 says 3 o'clock to 5 o'clock in the morning.</p> <p>12 Q On Friday, the first?</p> <p>13 A Yeah, if we're looking at Friday the first.</p> <p>14 Q Right, for July.</p> <p>15 A Let me find that one. If you could go up a</p> <p>16 little, please?</p> <p>17 Q Now, when you say -- yeah. Okay.</p> <p>18 A Yeah, like that.</p> <p>19 Q All right.</p> <p>20 A Okay. Because automatically -- the system</p> <p>21 will automatically change the hours. So, let's say if</p> <p>22 I -- if it's a 24 hour case, right this one is divided</p> <p>23 with Monica. Monica did the night shift. You see where</p> <p>24 it says Monica Murphy?</p> <p>25 Q Yes.</p>	<p style="text-align: right;">Page 76</p> <p>1 A Or the RGA?</p> <p>2 Q Well, I know Humana's a Health insurance</p> <p>3 agency, but are they the one that's administering the</p> <p>4 Medicare policy?</p> <p>5 A Yeah. If you see RGA, it will be like us, our</p> <p>6 office, you know. And then because Brower is BWD, it</p> <p>7 automatically gives a code. Humana is the insurance.</p> <p>8 This is the authorization, and as you can see, it gives</p> <p>9 you a service code.</p> <p>10 The T1019 is personal care companion and</p> <p>11 homemaking at the bottom where it says, Max, those are</p> <p>12 units. They're not counted as hours, they're counted as</p> <p>13 units.</p> <p>14 Q Okay. Got it. And so, PCA stands for</p> <p>15 Personal Care?</p> <p>16 A Yes. PCA is personal care.</p> <p>17 Q CONP. What does that stand for?</p> <p>18 A Companionship --</p> <p>19 Q Okay. And then --</p> <p>20 A Companion.</p> <p>21 Q HMK?</p> <p>22 A It's Homemaking.</p> <p>23 Q Homemaking. What services was Cruz Valdivieso</p> <p>24 providing to Mr. Iziq?</p> <p>25 A All of them.</p>
<p style="text-align: right;">Page 75</p> <p>1 A If I'm not mistaken, she went in, there was</p> <p>2 times she went in at 8 o'clock and left at 05:00 in the</p> <p>3 morning.</p> <p>4 Q Okay.</p> <p>5 A And then Valdivieso will come in at 09:00.</p> <p>6 Q So, let me just ask a couple of questions. And</p> <p>7 this might help when we look at the July patient</p> <p>8 calendar for Cesar Iziq because that's all, this is</p> <p>9 for just Mr. Iziq, correct?</p> <p>10 A Mr. and Mrs. Iziq, yes.</p> <p>11 Q Okay. Now, when I go back up one page to the</p> <p>12 top, it's -- there's only one patient name though. So,</p> <p>13 for right now, we're just looking at the patient</p> <p>14 calendar from Mr. Iziq, right?</p> <p>15 A Yes, that's correct.</p> <p>16 Q Okay. And then I see your name as the</p> <p>17 coordinator. So, does that mean that you are the one</p> <p>18 that's coordinating the care between Medicare and the</p> <p>19 patient?</p> <p>20 A That's correct.</p> <p>21 Q Okay. Now, what I want to ask you about is</p> <p>22 where it says last three authorizations and it says</p> <p>23 Humana and Parenthesis, RGA. What does that mean?</p> <p>24 A The Humana.</p> <p>25 Q Right.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q All of them?</p> <p>2 A All the -- yeah, all caregivers have to do all</p> <p>3 three.</p> <p>4 Q All three. All right. And now when we go</p> <p>5 down, and so the max, you've mentioned max units, and</p> <p>6 that says NA, but when we go over to the column that</p> <p>7 says Max, what Medicaid authorized was 285 hours for</p> <p>8 personal care?</p> <p>9 A Yeah, that's units. Those are not hours.</p> <p>10 Q Oh, units. Okay. I see Units.</p> <p>11 A Yeah.</p> <p>12 Q Okay. And then how do units break down in the</p> <p>13 hours?</p> <p>14 A Four units, it's one hour.</p> <p>15 Q Four unit. One hour.</p> <p>16 A And.</p> <p>17 Q Okay. I see. Okay. Now -- and so now what</p> <p>18 your job is because Mr. Iziq has 24-hour care, you</p> <p>19 have to determine which All VIP providers are going to</p> <p>20 give this care on a rolling basis?</p> <p>21 A That's correct, Counsel.</p> <p>22 Q Okay. And then you come up with -- so the</p> <p>23 schedule that we're looking at with all of these green</p> <p>24 boxes, you created that schedule?</p> <p>25 A Yeah, I create the schedule according to what</p>

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<p style="text-align: right;">Page 78</p> <p>1 the client -- the schedule that the client gives me. So,</p> <p>2 if she wants them to start at 07:00, then at 07:00, you</p> <p>3 know, it's the clients, it's according to what the</p> <p>4 client needs are what they want.</p> <p>5 Q Understood. Okay. And so --.</p> <p>6 A I don't make up the schedule -- I'm sorry.</p> <p>7 Q Okay.</p> <p>8 A I don't make up.</p> <p>9 Q You don't make up the schedule. You just --</p> <p>10 well, the client says, okay. I need somebody from this</p> <p>11 hour to this hour and then you're not --</p> <p>12 A And then I --</p> <p>13 Q Sorry, go ahead.</p> <p>14 A To input -- and then my job is to input it in</p> <p>15 the -- what you see right here.</p> <p>16 Q Let's look at Friday, July 1st here, this one</p> <p>17 column. We see that Ms. Cruz, what does the S stand</p> <p>18 for, the S here next to 03:00 to 05:00.</p> <p>19 A When it's billed. And when it's not billed,</p> <p>20 it's the B stands for when it's billed hours --</p> <p>21 services, I'm sorry.</p> <p>22 Q Services.</p> <p>23 A Services, and when you see the bill is when</p> <p>24 it's the B is for when it's billed.</p> <p>25 Q Billed. Okay. And are you referring to</p>	<p style="text-align: right;">Page 80</p> <p>1 Friday, July 1st, it looks like Ms. Cruz was here from</p> <p>2 03:00 to 05:00, 05:00 to 06:00, 06:00 to 08:00. And</p> <p>3 then at 12 o'clock, a different caregiver came named,</p> <p>4 Janilanda. Is that right?</p> <p>5 A Yeah, that's Jenny.</p> <p>6 Q Okay.</p> <p>7 A But if you go up, because you see it breaks it</p> <p>8 down, she -- because if you put 8 o'clock, if she</p> <p>9 started at -- Valdivieso, if she started at 6:00, you</p> <p>10 said 06:00 to 08:00, you see.</p> <p>11 Q Right.</p> <p>12 A It doesn't mean that sh -- you know, she's</p> <p>13 went in at 3 o'clock in the morning. I don't know if I</p> <p>14 explained myself, if she went in at 6 o'clock at night,</p> <p>15 the system automatically put the later time on the top.</p> <p>16 Q Well, where it says 03:00, does that mean --</p> <p>17 A At --</p> <p>18 Q 3 o'clock in the morning?</p> <p>19 A 3 o'clock in the morning, yes.</p> <p>20 Q 3 O'clock in the morning. Okay. And then --</p> <p>21 A So, yeah.</p> <p>22 Q So, she would've got there at 3 o'clock in the</p> <p>23 morning that day?</p> <p>24 A No, so that as you see how it, the bottom says</p> <p>25 06:00, but you see on the top it says 3 o'clock in the</p>
<p style="text-align: right;">Page 79</p> <p>1 something on your computer to get that answer?</p> <p>2 A No, because I have the paperwork right here,</p> <p>3 the same thing you have.</p> <p>4 Q Okay. But how'd you just find out what</p> <p>5 services meant?</p> <p>6 A What do you mean, how did I find out?</p> <p>7 Q Well, when I asked you first what estimate it</p> <p>8 looked like, I thought you looked at something to find</p> <p>9 out that it says --</p> <p>10 A No, I have my paperwork here. No, because</p> <p>11 right now I'm working with two system and it's totally</p> <p>12 different from -- I'm working still with HHA, but we're</p> <p>13 switching to Caresmart. So, I have my -- with two</p> <p>14 different settings now. Okay.</p> <p>15 Q But that --</p> <p>16 A Yeah, that service and when need for -- is for</p> <p>17 billed.</p> <p>18 Q Okay. Got it. All right. So, what it means</p> <p>19 is that Ms. Cruz provided the service from 03:00 to</p> <p>20 05:00 and two hours were billed?</p> <p>21 A It'll show billed when you see a green like</p> <p>22 that. So, you see when it's green like that?</p> <p>23 Q Um-hum.</p> <p>24 A I can see where it says -- it'll say Billed.</p> <p>25 Q Billed. Okay. Now, on this particular day,</p>	<p style="text-align: right;">Page 81</p> <p>1 morning --</p> <p>2 Q Right.</p> <p>3 A -- and at the bottom, you see it says 6.</p> <p>4 Q Right.</p> <p>5 A So she -- there was times she went in at</p> <p>6 6 o'clock in the morning and there were other times that</p> <p>7 she went in at 8 o'clock at night and will do 8, 9, 10,</p> <p>8 all the way till 5 o'clock in the morning.</p> <p>9 Q Okay. So, are you saying on this particular</p> <p>10 day that she -- let me ask you this, what time did</p> <p>11 Ms. Cruz start providing service to the Izique -- Cesar</p> <p>12 Izique on Friday July 1st?</p> <p>13 A Can you go up?</p> <p>14 Q Up.</p> <p>15 A Okay. No, the way you had the whole thing</p> <p>16 where I can see the whole thing --</p> <p>17 Q Right.</p> <p>18 A There you go. So, she started in the morning,</p> <p>19 06:00 to 08:00 in the morning, and then the au --</p> <p>20 because these are divided into authorizations, 06:00 to</p> <p>21 08:00, 05:00, she ended, she started at 06:00, ended at</p> <p>22 05:00.</p> <p>23 Q Started at 6 --</p> <p>24 A And 6, then when you see 5, 6, 2, 3, 4, 5, she</p> <p>25 did 5 hours starting at 06:00.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q But I don't get it, it seems to me that</p> <p>2 she's -- so what's this 03:00 in the morning at the top</p> <p>3 then what does that mean?</p> <p>4 A What do you mean, what does that mean?</p> <p>5 Q Well, I mean, you're saying she started at</p> <p>6 06:00 in the morning then what does it mean then?</p> <p>7 A 06:00 in the morning because it goes by</p> <p>8 authorization 06:00 to 08:00, so were there two hours --</p> <p>9 Q Okay.</p> <p>10 A So, that means there's something, it rolled</p> <p>11 over where's -- I need the other part of that one what</p> <p>12 day was that, July.</p> <p>13 Q It says, I'm just looking --</p> <p>14 A The calendar -- if you see the calendar.</p> <p>15 Q Right.</p> <p>16 A That was July, so I need June because</p> <p>17 sometimes when it's like if she goes in Thursday at</p> <p>18 08:00 at night and she ends and she finishes the next</p> <p>19 day, Friday at 05:00, it rolls over to the next day.</p> <p>20 Q I see what you're saying, so basically what</p> <p>21 you're saying is, okay. Like June 31st would've been</p> <p>22 that Thursday before.</p> <p>23 A Yes, and then the hours after midnight it</p> <p>24 rolls over to the following day.</p> <p>25 Q I see, okay. So, basically she was there June</p>	<p style="text-align: right;">Page 84</p> <p>1 Q Who did?</p> <p>2 A Daisy.</p> <p>3 Q What hours did Jenny work that day?</p> <p>4 A Jenny worked 08:00 a.m. to 12:00.</p> <p>5 Q Okay. But that's -- so in one day there are</p> <p>6 two different All VIP caregivers providing service to</p> <p>7 Mr. Izique, right?</p> <p>8 A That's correct, and then a third when the</p> <p>9 hours were when Daisy decided not to just do less hours</p> <p>10 then a new caregiver came.</p> <p>11 Q And that was Monica?</p> <p>12 A No, because Daisy -- what happened is that's</p> <p>13 why you see the calendar different Daisy, like at</p> <p>14 5 o'clock in the morning, 09:00 to 05:00 or because</p> <p>15 sometimes she covered Monica.</p> <p>16 If Monica was out, then she did the Monica's</p> <p>17 schedule, but that was not her regular schedule that</p> <p>18 was -- this will kind of you see Murphy 5 o'clock in the</p> <p>19 morning let me go into that one what month is that?</p> <p>20 Q I have this as going back up to the top of</p> <p>21 Exhibit B, I have this as July 2022.</p> <p>22 A No, it says 11:15, right or no, is it July?</p> <p>23 Q July. I see report date, but I don't know</p> <p>24 what that means this says the care is being provided for</p> <p>25 July so I don't.</p>
<p style="text-align: right;">Page 83</p> <p>1 31st at 3 o'clock in the morning.</p> <p>2 A No, so that means she was there probably</p> <p>3 Thursday that's what I need for June, let me -- I have,</p> <p>4 okay. Let me see if I have it here.</p> <p>5 Q And I apologize there's no June 31st, there's</p> <p>6 only June 30th.</p> <p>7 A June, the following.</p> <p>8 Q So, let's say Thursday was June 30th and 2022,</p> <p>9 was she working on Thursday June 30th.</p> <p>10 A Okay. Let me see give me one second, okay.</p> <p>11 There you go, if you go to the bottom, I don't know if</p> <p>12 you have it on yours, I don't know why it didn't go, but</p> <p>13 if you go to -- I have the same calendar, if you have</p> <p>14 this one it has the same hours.</p> <p>15 Q Just for the record, can you please just tell</p> <p>16 me what you're showing me what's at the top?</p> <p>17 A It's the same thing, but it's the whole</p> <p>18 calendar it shows that the time which she started, so</p> <p>19 that way you can understand that 3 o'clock in the</p> <p>20 morning and the 5 o'clock in the morning, you know, so</p> <p>21 that way you can understand what time she started that.</p> <p>22 Q Okay. Now, what hours did Jenny work on that</p> <p>23 day on Friday, July 1st.</p> <p>24 A So, that means she probably did 9 to 5,</p> <p>25 09:00 p.m. to 05:00 a.m.</p>	<p style="text-align: right;">Page 85</p> <p>1 A I just want to be in the same page as you so</p> <p>2 that way I have both pages, you know, not just the first</p> <p>3 there all the way to the bottom.</p> <p>4 Q All right. Well --</p> <p>5 A I mean she did cover, she that's why you see</p> <p>6 it like in -- you know, all like that, but that was not</p> <p>7 her permanent case -- permanent hours, her permanent</p> <p>8 hours were after Jenny.</p> <p>9 After Jenny left, then she took the case and</p> <p>10 after she left, approximately 9 o'clock that when Monica</p> <p>11 came, Monica did 09:00 to 05:00 a.m. That was Monica's</p> <p>12 schedule 09:00 p.m. to 05:00 a.m.</p> <p>13 Q All right. Do you have an example of Ms. Cruz</p> <p>14 submitting overlapping hours?</p> <p>15 A I can't put them here because it's not going</p> <p>16 to let me schedule it, you know, so you can't see the</p> <p>17 overlapping because it's not going to be recorded.</p> <p>18 Q Right.</p> <p>19 A It's just going to --</p> <p>20 Q I don't mean -- yeah, I don't mean in the HHA</p> <p>21 exchange sheet that we were just looking at in Exhibit</p> <p>22 B, because you are inputting the hours for the</p> <p>23 caregivers in HHA exchange, right?</p> <p>24 A That's correct.</p> <p>25 Q Okay. And so, the time sheets would show</p>

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<p style="text-align: right;">Page 86</p> <p>1 where overlapping hours are, right?</p> <p>2 A No, the system.</p> <p>3 Q Well --</p> <p>4 A The system will show because she was --</p> <p>5 remember she was putting extra hours in her time sheet</p> <p>6 saying that she worked those extra hours. So, I was</p> <p>7 going according to the authorization, and that's when</p> <p>8 I'm like, "But no, I can't put those extra hours."</p> <p>9 So, remember it was two clients, so I</p> <p>10 constantly had to divide, tell the family member, your</p> <p>11 dad had -- your mom had 71 hours or your dad has, you</p> <p>12 know, 50 something hours.</p> <p>13 So, you know, I constantly had to tell that</p> <p>14 authorization is separate from your mom's authorization.</p> <p>15 But what happened was the confusion came when she</p> <p>16 started putting extra hours on her time sheet and then</p> <p>17 that --</p> <p>18 Q Is the authorization given per month?</p> <p>19 A No, authorization usually it depends six</p> <p>20 months to a year and it could change -- you know,</p> <p>21 author -- the authorization was increased by a few hours</p> <p>22 for the Izique's and that's when we decided to -- you</p> <p>23 know, add another caregiver.</p> <p>24 Q How does All VIP get paid by Medicaid?</p> <p>25 A In what way like how, like so deposit or check</p>	<p style="text-align: right;">Page 88</p> <p>1 invoices to Medicaid or to health or private health</p> <p>2 providers?</p> <p>3 A I only billed a private one and I only have</p> <p>4 one and that one is faxed, I do the invoice -- you know,</p> <p>5 time sheet is sent and I print out the invoice and fax</p> <p>6 it over.</p> <p>7 Q Okay. And do the healthcare providers require</p> <p>8 that the time sheet be provided with the invoice?</p> <p>9 A No, they have no access to the invoices no,</p> <p>10 the care providers?</p> <p>11 Q No, not the care provider not like Ms. Cruz or</p> <p>12 Jenny or whatever what I'm saying is the healthcare --</p> <p>13 A The care -- us, the healthcare provider, the</p> <p>14 agency, okay.</p> <p>15 Q The agency, right like so the Medicaid do they</p> <p>16 require that the caregiver's time sheets be submitted</p> <p>17 with the invoice?</p> <p>18 A No, but they do require for us to keep it in</p> <p>19 the client's file.</p> <p>20 Q Okay. Because they may do an audit and they</p> <p>21 might want to see it later.</p> <p>22 A Exactly.</p> <p>23 Q So, essentially whatever hours are submitted</p> <p>24 in an invoice to Medicaid, they just take -- you know,</p> <p>25 on face value that those are correct.</p>
<p style="text-align: right;">Page 87</p> <p>1 or --</p> <p>2 Q No, that's a good question, but let me try to</p> <p>3 break this down. When a Medicare case manager calls you</p> <p>4 and says, "I have this patient," at that time then a</p> <p>5 care plan is created and the authorization is given for,</p> <p>6 let's say, six months.</p> <p>7 So, does Medicaid pay All VIP for six months</p> <p>8 in advance or does Medicaid --</p> <p>9 A No.</p> <p>10 Q Okay. Yeah, so explain what has to be</p> <p>11 submitted to Medicaid or to Humana or whatever the</p> <p>12 company is in order for All VIP to get paid.</p> <p>13 A That will be a good question for Liz to</p> <p>14 answer, but as I'm aware an invoice is -- you know, it's</p> <p>15 printed out and it is sent, you know, everything is done</p> <p>16 electronically, so I'm pretty sure an invoice is sent to</p> <p>17 Medicaid.</p> <p>18 Q Okay. Understood. And that invoice is based</p> <p>19 on the hours that the caregivers are submitting through</p> <p>20 their time sheets?</p> <p>21 A The hours that they actually worked that's</p> <p>22 correct, not hours that are not, you know --</p> <p>23 Q Authorized.</p> <p>24 A Yes.</p> <p>25 Q Okay. So, you don't deal with submitting</p>	<p style="text-align: right;">Page 89</p> <p>1 A Exactly.</p> <p>2 Q I see. All right. Now we talked about Ms.</p> <p>3 Melendez, and that's when Ms. Cruz started complaining</p> <p>4 about the debts and that's when you started noticing</p> <p>5 issues with overlapping hours, or you only noticed that</p> <p>6 she was overlapping hours with the Izique's?</p> <p>7 A No, I noticed her doing the overlapping hours.</p> <p>8 Q With which client --</p> <p>9 A She was like -- with the Izique.</p> <p>10 Q Just with the Izique?</p> <p>11 A Yes, and like I said, it was because she was</p> <p>12 putting the hours, the private hours that she was doing</p> <p>13 with them, putting them in the time sheet, and she was</p> <p>14 making the math.</p> <p>15 And the thing is that she made the time sheet</p> <p>16 and then she'll make it like corrected, like, you know,</p> <p>17 okay. This is the according to the authorization, but</p> <p>18 she still had in her head the hours that she had</p> <p>19 privately, like she added all that "How much I'm going</p> <p>20 to get paid."</p> <p>21 Q Let's talk about the --</p> <p>22 A And that's what she expected.</p> <p>23 Q Let's talk about the private hours when we say</p> <p>24 private hours, did she have a separate arrangement with</p> <p>25 the Izique's daughters that you pay me and then I'm just</p>

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<p style="text-align: right;">Page 90</p> <p>1 going to stay these extra hours and work, is that what</p> <p>2 you mean?</p> <p>3 A I found out they're not allowed to do that, I</p> <p>4 found out after the end of all this, after I told her,</p> <p>5 "We don't owe you anything, everything shows that we</p> <p>6 paid you all the hours."</p> <p>7 And she said, "No, I work you owe me three</p> <p>8 hours on this day you owe me" and I said, "But show me</p> <p>9 where I said," and that's when she told me.</p> <p>10 Q That she was working private hours?</p> <p>11 A Yes.</p> <p>12 Q But when you say private hours, does that mean</p> <p>13 that there's an insurance company involved --</p> <p>14 A No, that the daughter was paying out of her</p> <p>15 pocket.</p> <p>16 Q Just paying out of pocket?</p> <p>17 A Yeah, her daughter was paying out of pocket</p> <p>18 and they're not allowed to do that and it slipped and</p> <p>19 it -- and I told the daughter. She said that -- you</p> <p>20 know, she's a little bit confused because, you know,</p> <p>21 she's counting the private hours that she said that you</p> <p>22 pay her extra like three hours extra.</p> <p>23 And that's what she always complained about</p> <p>24 three hours, you know, extra and she says it's because</p> <p>25 you are giving her private hours. She goes, "I told her</p>	<p style="text-align: right;">Page 92</p> <p>1 her before she started the case and she's on the</p> <p>2 contract. She knows because I explained it to her and</p> <p>3 not only that, I told her verbally and she says, "It --</p> <p>4 you know, it slipped.</p> <p>5 Q Right.</p> <p>6 A They had secretly and it just slipped.</p> <p>7 Q So, by the private work that was being done,</p> <p>8 is that a violation of Ms. Cruz's contract with All VIP?</p> <p>9 A Yes.</p> <p>10 Q And then on the client's side, did the client</p> <p>11 violate their con -- meaning via Izique's daughter, did</p> <p>12 she violate her contract with All VIP?</p> <p>13 A Yes, well she -- yes, she knows that she's not</p> <p>14 supposed to do private. They know.</p> <p>15 Q Okay. And then from a Medicaid standpoint, is</p> <p>16 there a violation of any kind of state or federal laws</p> <p>17 because of the private hours that were being worked?</p> <p>18 A The thing is, if she's hired somebody else</p> <p>19 that's not from the agency that's a -- you know, they</p> <p>20 can do whatever they want.</p> <p>21 Q I see.</p> <p>22 A So, if it's one of our -- you know, of -- you</p> <p>23 know, one of our contractor because they're independent</p> <p>24 contractor, then yes, because -- you know, they have to</p> <p>25 let us know.</p>
<p style="text-align: right;">Page 91</p> <p>1 that oh my gosh, she's not supposed to say that I told</p> <p>2 her that not to write those hours on her time sheet. I</p> <p>3 already explained to her."</p> <p>4 Q Okay. And so let me give an example, so we</p> <p>5 are on the same page on -- you know, let's -- I'm just</p> <p>6 going to make up a day, right?</p> <p>7 July 5th Ms. Cruz is supposed, she's</p> <p>8 authorized by Medicaid and through All VIP to work an</p> <p>9 eight hour shift, right. So, she works that eight hour</p> <p>10 shift, so now she has on her time sheet eight hours that</p> <p>11 she's supposed to be paid for, correct?</p> <p>12 A Yeah, eight hours if she -- yeah, the</p> <p>13 authorization says eight hours, that's how much she</p> <p>14 needs to get.</p> <p>15 Q But your understanding is that now she had a</p> <p>16 separate side agreement with the Izique's daughter to</p> <p>17 work private hours. And so if she worked an extra three</p> <p>18 hours, now she made a separate arrangement and she got</p> <p>19 paid three hours by them.</p> <p>20 Now you said she wasn't supposed to do that,</p> <p>21 who says that she's not supposed to do that?</p> <p>22 A Well, in the contract she knows, and she knows</p> <p>23 because I told her specifically you know, you -- and</p> <p>24 plus the client is well known that they can't do that.</p> <p>25 So, she knows it specifically because I told</p>	<p style="text-align: right;">Page 93</p> <p>1 Q I see. Got it. Because essentially what</p> <p>2 they're doing is they're cutting All VIP out of the</p> <p>3 payment process, right. If Ms. Cruz is working private</p> <p>4 hours with the Izique's then All VIP doesn't get a cut</p> <p>5 of that money.</p> <p>6 A And another thing that has to be is very</p> <p>7 important if she's there privately and we don't know,</p> <p>8 okay. Let's suppose that -- you know, with us, she's</p> <p>9 there eight to five, an example and the Izique's paying</p> <p>10 her privately 03:00 to 08:00.</p> <p>11 Okay. 03:00 in the morning to 08:00 and she's</p> <p>12 doing that privately something happens to the client,</p> <p>13 what are they going to say All VIP is responsible</p> <p>14 because she's my caregiver you know, so that's -- you</p> <p>15 knows, that's a liability --</p> <p>16 Q It a liability problem, there's a --</p> <p>17 A It's a liability -- I see her more as a</p> <p>18 liability billing --</p> <p>19 Q Right.</p> <p>20 A Because if something happens, what is the case</p> <p>21 manager going to say --</p> <p>22 Q Right.</p> <p>23 A Because those authorization hours in the night</p> <p>24 because they couldn't use the hours however they like,</p> <p>25 they could use it -- you know, whatever time and you</p>

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<p style="text-align: right;">Page 94</p> <p>1 know, the case manager's going to say, "Hey, you know 2 what happened here?"</p> <p>3 Q Right.</p> <p>4 A "What am I going to say, you know, but she 5 started at eight I don't know what happened, what she's 6 doing there at that time."</p> <p>7 Q Got it. And so if a caregiver is providing 8 service during unauthorized times then whatever happens 9 is not going to be covered by All VIP's Insurance.</p> <p>10 A And not -- I'm pretty sure as well as, they 11 have to have their own liability as well the caregivers.</p> <p>12 Q Caregivers that they have their own liability.</p> <p>13 A Yeah.</p> <p>14 Q Okay.</p> <p>15 A Yeah, we do -- we have our liability, but they 16 have to have their own liability because they're 17 independent contractors.</p> <p>18 Something happens, you know, the client cannot 19 sue her she has insurance.</p> <p>20 Q I understood. So, let's say Ms. Cruz is 21 working during the unauthorized hours and something 22 happens to one of the Izique then the lawsuit should be 23 against Ms. Cruz and not All VIP.</p> <p>24 A That's correct.</p> <p>25 Q But what if Ms. Cruz is working authorized</p>	<p style="text-align: right;">Page 96</p> <p>1 pays \$20 to the agency an hour then from those \$20 we 2 pay the caregiver.</p> <p>3 Q Understood. Okay.</p> <p>4 A But at that time -- I'm sorry, at that time it 5 was less than \$20, I'm just giving you an example.</p> <p>6 Q No, I get it that's the example, so like if 7 it's \$20 and this cruise is getting 13, then All VIP is 8 getting the other \$7 per hour.</p> <p>9 A Yeah, and at that time it was less, now it's 10 \$20 I -- as I know it's \$20 --</p> <p>11 Q Right.</p> <p>12 A So, that's why the caregivers are getting paid 13 15.</p> <p>14 Q 15, and so then All VIP clears that the five 15 per hour for each caregiver?</p> <p>16 A That's correct.</p> <p>17 Q That's correct. Okay. All right. And then, 18 does All VIP pay travel time for to the independent 19 contractors or to the caregivers?</p> <p>20 A No, travel time I explained to the -- that's 21 one of the things that we explained clearly to the 22 caregiver and also to the client.</p> <p>23 If they want the caregiver to take the client 24 to a doctor's office or to do errands they know they 25 have to pay for the gas because Medicaid do not pay for</p>
<p style="text-align: right;">Page 95</p> <p>1 hours and something happens to one of Izique's because 2 she has her own insurance with the Izique's still just 3 sue -- Ms. Cruz anyway?</p> <p>4 A Yes, well -- yes, but we're still liable with 5 Medicaid because Medicaid is going to say, did you give 6 them those extra hours what happened here, they're going 7 to do a report.</p> <p>8 Q I see. I understand.</p> <p>9 A No, matter what they're going to do a report 10 because it's according to authorizations, the hours.</p> <p>11 Q Okay. Now let's talk about the pay because 12 I'm not sure you answered the question I asked before 13 when -- if Ms. Cruz is making \$13 an hour, the amount 14 that she's paid is coming from the Medicaid 15 authorization?</p> <p>16 A That's correct.</p> <p>17 Q Okay.</p> <p>18 A Medicaid, yes.</p> <p>19 Q How does All VIP make a profit if they're 20 paying Ms. Cruz \$13 an hour is medic -- is All VIP 21 billing Medicaid let's say \$15 an hour or something.</p> <p>22 A Okay. I see what you're saying I'm sorry, I 23 didn't quite understand the question. Okay. So, we 24 have Medicaid gives us a pay -- a certain amount pay 25 rate. So, let's say right now an example, if Medicaid</p>	<p style="text-align: right;">Page 97</p> <p>1 gas --</p> <p>2 Q Okay.</p> <p>3 A They don't give us gas money.</p> <p>4 Q Do any private insurers pay for travel time 5 for caregivers?</p> <p>6 A Not that I know of, no.</p> <p>7 Q All right. And so because of that then 8 independent contractors are told that you have to cover 9 all of your expenses?</p> <p>10 A Not that -- not if they have to take the 11 client somewhere you know, they have to make an 12 agreement with you know, like I said, I call the family 13 member or whoever's in charge of client.</p> <p>14 And I tell them if she has to go you know, to 15 the store or you know, you guys have to give her gas 16 money if it's around the corner you know, they just do 17 the favor they don't ask for forgive money.</p> <p>18 Q Right. But, outside of the time that 19 authorized hours of being worked, let's say for example, 20 okay. If Ms. Cruz has to be to the Izique house at 21 3 o'clock in the morning, she does not get paid for the 22 time from her house to the Izique's house that travels?</p> <p>23 A No, travel time.</p> <p>24 Q And no caregivers are paid for any travel 25 time --</p>

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<p style="text-align: right;">Page 98</p> <p>1 A Travel time.</p> <p>2 Q -- to and from the patient's home?</p> <p>3 A No.</p> <p>4 Q Okay. All right. Because if you paid for</p> <p>5 that travel time, then that would eat into the profit</p> <p>6 that All VIP is making, correct?</p> <p>7 A Of course.</p> <p>8 MR. GOLDBERG: Object to form.</p> <p>9 BY MR. CUMMINGS:</p> <p>10 Q Okay.</p> <p>11 A Yes.</p> <p>12 Q All right. So, I think we covered Ms. Soto,</p> <p>13 we covered Ms. Melendez, and then we covered the</p> <p>14 Izique's and you said those were the only people that</p> <p>15 she saw -- just give me a second.</p> <p>16 A Okay. And when you're done, can I also say</p> <p>17 something?</p> <p>18 Q No, you can go ahead and say it now. Go ahead.</p> <p>19 A Okay. This is what last day I spoke to Anna</p> <p>20 Maria or both of them, they were both on -- they always</p> <p>21 on two -- one three way, we always did it like a three</p> <p>22 way.</p> <p>23 Q The Izique's daughters?</p> <p>24 A Yes, Anna and Susana, they told me that they</p> <p>25 felt very bad and sorry for you know, for Daisy or for</p>	<p style="text-align: right;">Page 100</p> <p>1 threatened also Melendez to pay her and I said pay her</p> <p>2 what, and also to threaten to come, ask for her social</p> <p>3 security, her ID, so she can testify in Court.</p> <p>4 And she goes "I'm not going over there to</p> <p>5 testify for what."</p> <p>6 Q Ms. Melendez said that?</p> <p>7 A Yes, Melendez told me.</p> <p>8 Q Okay. Was --</p> <p>9 A That she did that.</p> <p>10 Q Was Ms. Cruz working private hours for</p> <p>11 Ms. Melendez also?</p> <p>12 A No, she was not working private hours, but</p> <p>13 she -- I don't know what she told her that to pay her</p> <p>14 she never had private hours with Melendez. Melendez</p> <p>15 will never pay for private hours.</p> <p>16 Q So, Ms. Melendez was on -- I'm sorry, Cruz was</p> <p>17 only doing authorized hours from Ms. Melendez, but</p> <p>18 Ms. Melendez said that Cruz asked her to pay her</p> <p>19 separately?</p> <p>20 A No yeah, she told her to ask -- she asked her</p> <p>21 to pay her because the thing is that she kept saying</p> <p>22 they owe me hours -- they owe me hours, those hours were</p> <p>23 never old with Melendez --</p> <p>24 Q With Melendez. Okay.</p> <p>25 A Everything had to do -- Yeah, everything had</p>
<p style="text-align: right;">Page 99</p> <p>1 Cruz, that they felt very sorry that she went there</p> <p>2 crying, saying that we didn't want to pay her. And I</p> <p>3 said, what do you mean I told her to go pick up the</p> <p>4 check so she says, why wouldn't she go pick up the check</p> <p>5 because she knew that she was wrong.</p> <p>6 She was putting hours that -- you know, like I</p> <p>7 said in the beginning so the Izique's told me that they</p> <p>8 were going to pay her because she kept threatening them,</p> <p>9 "You are going to pay me, you need to pay me." So, they</p> <p>10 felt you know, oh, my gosh, she's going to leave I need</p> <p>11 her for my parents, "You're going to pay me."</p> <p>12 So, the Izique told me that they were going to</p> <p>13 pay her \$1,000, okay. And then that they were going to</p> <p>14 sue us so we can pay her the \$1,000. So, they gave --</p> <p>15 the a Cruz a \$1,000 when Cruz didn't want to go pick up</p> <p>16 the check -- a paper check, you know, she didn't want to</p> <p>17 pick it up so then --</p> <p>18 Q Go ahead.</p> <p>19 A Yeah, and I said -- and I told her, you know,</p> <p>20 we -- it's not that we don't want to pay you, I told you</p> <p>21 to go pick up a check because once we have to fix the</p> <p>22 authorization, like I said with Soto, I told her you --</p> <p>23 it doesn't, you don't get it Friday, like the next day I</p> <p>24 told her.</p> <p>25 So, she asked the Izique's to pay her she</p>	<p style="text-align: right;">Page 101</p> <p>1 to do with her, but she covered, remember I was telling</p> <p>2 you she worked Monday through Friday and that Monday</p> <p>3 through Thursday, and she put down that she worked</p> <p>4 Friday and she didn't work Friday.</p> <p>5 Q Understood.</p> <p>6 A But she kept telling her, "Pay me, pay me."</p> <p>7 Q Okay. And so, basically you're saying that</p> <p>8 Ms. Cruz was trying to extort money out of the</p> <p>9 patients --</p> <p>10 A Yes.</p> <p>11 Q -- for hours that she did not work.</p> <p>12 A She works -- I don't know what private hours</p> <p>13 she did she was -- I don't know --</p> <p>14 Q Okay.</p> <p>15 A -- I just know for the hours that -- you know,</p> <p>16 she worked with us -- she was getting paid and she got</p> <p>17 overpaid a couple of times, and I said, "You got</p> <p>18 overpaid and, you know, and I just noticed on your</p> <p>19 paycheck that you got overpaid I said, and you never</p> <p>20 reported it."</p> <p>21 Q What -- how would some -- how would a</p> <p>22 caregiver be overpaid?</p> <p>23 A Easily she was -- like she say, "I work this</p> <p>24 hour" you know, and she didn't work it and we paid her</p> <p>25 that's being overpaid.</p>

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<p style="text-align: right;">Page 102</p> <p>1 She didn't -- you didn't, because that was the</p> <p>2 reason she didn't clock in and clock out she was making</p> <p>3 time sheet's all the time and putting hours that she</p> <p>4 didn't work I said, you didn't work that day and why</p> <p>5 did -- and you got paid for it.</p> <p>6 Q Right. How would she ever be able to overbill</p> <p>7 if the authorization was already set?</p> <p>8 A No, I think you're not understanding, okay.</p> <p>9 So, let's say -- let's put an example like Melendez</p> <p>10 because that's what happened with the Melendez.</p> <p>11 She put on her time sheet that she worked</p> <p>12 Monday through Friday suppose or Monday through Saturday</p> <p>13 and Melendez authorization is Monday through Friday, she</p> <p>14 was not clocking in.</p> <p>15 And I told her, "If you don't clock in and</p> <p>16 clock out, you're not going to get paid anymore, we're</p> <p>17 going to stop the checks." She put hours when I</p> <p>18 confirmed she had put hours that she didn't work with</p> <p>19 Melendez and she got paid for them.</p> <p>20 So, when I went to confirm it with Melendez</p> <p>21 because I was already getting very suspicious, she was</p> <p>22 all over with her time sheet and the hours with the</p> <p>23 Izuque and Melendez and what she did with the Soto as</p> <p>24 well, working hours that I didn't -- that were not</p> <p>25 authorized.</p>	<p style="text-align: right;">Page 104</p> <p>1 important for them to clock in. When this happened,</p> <p>2 Melendez told me on Monday and she told me she fell this</p> <p>3 what happened on August something she fell, I have a</p> <p>4 statement here and I said what do you mean--</p> <p>5 Q Is that 2022?</p> <p>6 A Yeah, 2000 -- yes, it was August 8th, 2022.</p> <p>7 Q And when Ms. Melendez fell, Ms. Cruz was</p> <p>8 supposed to be working with her?</p> <p>9 A I thought she was supposed to be there and she</p> <p>10 said --</p> <p>11 Q And she was not?</p> <p>12 A And she was not.</p> <p>13 Q I see. And that's how you figured all of this</p> <p>14 out.</p> <p>15 A Everything I said, okay. This is just a total</p> <p>16 mess and when I -- yeah.</p> <p>17 Q Okay. And so, all right. Now you filled in</p> <p>18 the missing piece, and I think you explained this</p> <p>19 before. What was happening was Ms. Cruz was just not</p> <p>20 showing up to work, but she was putting in on her time</p> <p>21 sheet that she was there.</p> <p>22 So, from your point of view the authorized</p> <p>23 hours were being worked, it's just that she wasn't</p> <p>24 working them because she just wasn't going.</p> <p>25 A Yeah, she was not completing the whole hours</p>
<p style="text-align: right;">Page 103</p> <p>1 And I had her to call -- you know, to have him</p> <p>2 authorized, so this was a constant thing, putting hours</p> <p>3 over hours she was very confused of all the hours that</p> <p>4 she was working so at that --</p> <p>5 Q Sorry, that's my question because if you are</p> <p>6 authorized in the hours, because you are the ki -- you</p> <p>7 are speaking with Medicaid and you know that, you know,</p> <p>8 whatever patient has this number of hours, you set those</p> <p>9 hours on a schedule for Ms. Cruz, does it matter what</p> <p>10 her time sheet says?</p> <p>11 Because she can never go over the number of</p> <p>12 hours that you have already told her or authorized,</p> <p>13 right, so aren't you always just comparing what was</p> <p>14 authorized to her time sheet and shouldn't it just be</p> <p>15 cut off at a certain number of hours anyway?</p> <p>16 A Yeah, I don't think you are understanding --</p> <p>17 no, let's say not about the hours, about the days you</p> <p>18 know, that she was supposed to work. So, let's say like</p> <p>19 for example Melendez didn't call me to tell me that she</p> <p>20 was not going --</p> <p>21 Q Absolutely.</p> <p>22 A Cruz didn't call me to tell me that she was</p> <p>23 not going we have a lot of clients I cannot -- like</p> <p>24 every day call one by one.</p> <p>25 Does she go, does she go that's why it's very</p>	<p style="text-align: right;">Page 105</p> <p>1 even with the Izuque's.</p> <p>2 Q Okay. And then --</p> <p>3 A Even they liked her so much.</p> <p>4 Q I see. And then because she wasn't clocking</p> <p>5 in and clocking out, there was no time record of real</p> <p>6 time when she was actually there. She was just given</p> <p>7 time sheets and the time sheet said whatever hours she</p> <p>8 wanted to put on it.</p> <p>9 A Yes, she just did it by authorization and</p> <p>10 that's why I constantly had to call the Izuque's, the</p> <p>11 daughter to confirm if she was there or if she wasn't</p> <p>12 there. And I also -- you know, asked the other</p> <p>13 caregivers that were there as well, did she release --</p> <p>14 you know, did she release you.</p> <p>15 Q Okay. Understood. All right. So, now let's</p> <p>16 look at really quickly, I'm going to show you what I'm</p> <p>17 marking as Exhibit C and this is text messages.</p> <p>18 (Thereupon, Plaintiff's Exhibit C was entered</p> <p>19 into the record.)</p> <p>20 BY MR. CUMMINGS:</p> <p>21 Q This is a four page document, the first page</p> <p>22 says Daisy Valdivieso HHA from Thursday, August 4th at</p> <p>23 12:44 p.m. And then there's like a series of text</p> <p>24 message conversations going over four pages.</p> <p>25 Just for the record, this is Bates stamp</p>

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<p style="text-align: right;">Page 106</p> <p>1 number VIP docs 2-4 and then going down to -7. So, the</p> <p>2 first thing I want to ask is, do you recognize the text</p> <p>3 messages that I'm showing you, Ms. Ramirez?</p> <p>4 A Yes, I do.</p> <p>5 Q Okay. Are these text messages between you and</p> <p>6 Ms. Cruz?</p> <p>7 A That's correct.</p> <p>8 Q All right. Are these screenshots from your</p> <p>9 phone?</p> <p>10 A If I'm not mistaken this is from the on-call</p> <p>11 phone.</p> <p>12 Q From the -- on the red on-call phone?</p> <p>13 A Yes.</p> <p>14 Q All right. In that red on call phone, did you</p> <p>15 have Ms. Cruz's Daisy Valdivieso HHA?</p> <p>16 A Yes, that's how we know if there are</p> <p>17 caregivers on the phone.</p> <p>18 Q Okay. Now, this is in Spanish, like I already</p> <p>19 have a general understanding of what's going on here,</p> <p>20 but could you please explain to me on this first page</p> <p>21 what the message is that's being sent and received?</p> <p>22 You don't have to translate it in Spanish for</p> <p>23 me, I just want you to remember this conversation and</p> <p>24 tell me what was happening here.</p> <p>25 A Okay. I have the same one let me read it over</p>	<p style="text-align: right;">Page 108</p> <p>1 A You're freezing up. Can you hear me?</p> <p>2 Q I can hear you, but I -- can you hear me now?</p> <p>3 A Yeah, I can hear you now, but you froze for a</p> <p>4 second.</p> <p>5 Q I froze for a second.</p> <p>6 A I think it's my connection because it said</p> <p>7 it's my connection.</p> <p>8 Q Okay.</p> <p>9 A Can you hear me?</p> <p>10 Q I can hear you.</p> <p>11 A Yeah.</p> <p>12 Q Okay. Everything's back to the way it was, so</p> <p>13 let me go back a little bit and just talk about the pay</p> <p>14 schedule.</p> <p>15 Basically what I was saying is if a caregiver</p> <p>16 works Monday through Friday on week 1, they get paid</p> <p>17 those hours at the end of Friday on week 2. Is that</p> <p>18 right?</p> <p>19 A That's correct if -- yes.</p> <p>20 Q Okay.</p> <p>21 A So, there were --</p> <p>22 Q Did Ms. Cruz have direct deposit?</p> <p>23 A Well, I think she did, but when it's hours</p> <p>24 that are being like corrected, sometimes they send a</p> <p>25 paper check, so she has to go paper check, yeah.</p>
<p style="text-align: right;">Page 107</p> <p>1 here.</p> <p>2 Q And specifically I'm referring to the</p> <p>3 conversation going from Thursday, August 4th to Monday,</p> <p>4 August 8th.</p> <p>5 A Remember I was telling you about that -- to --</p> <p>6 she picked up a check, a paper check you remember --</p> <p>7 Q What -- sorry.</p> <p>8 A Yeah, so she went to the West Palm Beach</p> <p>9 office to pick up the paper check.</p> <p>10 Q Okay. Now, what was -- what hours or what</p> <p>11 patient was that check for?</p> <p>12 A I don't remember.</p> <p>13 Q And you said before -- you stated before that</p> <p>14 caregivers get paid every Friday.</p> <p>15 A Every Friday.</p> <p>16 Q How much of a lapse is there between the</p> <p>17 service they provide and the check that they're getting</p> <p>18 on that Friday. Like, if I work Monday through Friday,</p> <p>19 that's not the -- that Friday I'm not getting paid for</p> <p>20 that week, right?</p> <p>21 A The next Friday, yeah.</p> <p>22 Q It's the next week, so if I work Monday</p> <p>23 through Friday this week, then you're --?</p> <p>24 A You're freezing up.</p> <p>25 Q Yeah, hello?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q All right. Now were there any times -- go</p> <p>2 ahead.</p> <p>3 A I'm sorry, but I'm not -- I can't -- I don't</p> <p>4 want to answer yes or no if she had direct deposit</p> <p>5 because it's been quite a while, so I don't remember if</p> <p>6 she did, so I don't want to give you a false, you know.</p> <p>7 Q Right. Now in this particular case, why would</p> <p>8 Ms. -- if we're looking at these text messages here, why</p> <p>9 wouldn't Ms. Cruz have had to go to Palm Beach to pick</p> <p>10 up a paper check?</p> <p>11 A Because that's where the checks come, it</p> <p>12 doesn't come to the Broward office. West Palm Beach</p> <p>13 office is a corporate office that's where they receive</p> <p>14 their paper checks.</p> <p>15 And then what I do is on Monday morning I go</p> <p>16 pick them up and I bring them here and then I call the</p> <p>17 caregivers, come pick up your check.</p> <p>18 Q Okay. But some caregivers do have direct</p> <p>19 deposit?</p> <p>20 A Yeah, most of them do.</p> <p>21 Q All right. And based on the text message,</p> <p>22 just that you're looking at here on page 1 of Exhibit C,</p> <p>23 you don't know which check this or which services this</p> <p>24 is for?</p> <p>25 A You mean for what date?</p>

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<p style="text-align: right;">Page 110</p> <p>1 Q Well yeah, I mean do you know what the issue 2 was with why she was picking up a paper check? 3 A Like I said, the corrected hours that she 4 actually worked. 5 Q But do you know -- and but you don't know for 6 which clients? 7 A Yeah, it has to be for the Izique's. 8 Q How do you know that -- 9 A Because -- 10 Q How do you know that based on this text 11 message? 12 A Because those were the hours that there was 13 constantly pronged with the overlapping she was putting 14 in hours that she was not supposed to, and she kept 15 claiming hours that was not in the authorization. 16 Q Got it. Now on Monday, August 8th that bottom 17 text message in green, I see that you're sending her a 18 message about Angela Melendez. What is this in 19 reference to? 20 A What I told you about that she was threatening 21 Angela and Angela called me Monday to tell me, you see 22 why it says Monday. Angela had called me on Monday to 23 tell me that, you know, what was going on and also she 24 told me that Daisy or Cruz -- Ms. Cruz, moved in next 25 door to her.</p>	<p style="text-align: right;">Page 112</p> <p>1 need to get paid, I need to get paid." And that's when 2 I said, "You see on Fridays, go pick up your paper 3 check." 4 Q Okay. Moving down to page 2 is this a text 5 message from Ms. Ramirez -- I'm sorry, from Ms. Cruz to 6 you? 7 A I don't remember this one, but let me -- I 8 don't remember this one let me see, does it show a date? 9 Q I don't see a date on it. 10 A Let me see. Can I read it? 11 Q Yeah, sorry I'm just going to make it bigger 12 for you. 13 A Okay. Thanks. She is just repeating it is 14 it -- that's what it's repeating the \$20 -- no, 20 hours 15 in my payment. 16 And no, it's the same text message, can you 17 bring it up a little, there you go. Yes, that she's -- 18 that's her always texting that those are not the only 19 texts I'm pretty sure there's other texts that it was 20 not on -- erased. 21 Q Okay. And what is Ms. Cruz telling you in 22 these text messages? 23 A In that one she says, "You owe me 20 hours for 24 Izique's and four hours for Melendez." 25 Q Okay.</p>
<p style="text-align: right;">Page 111</p> <p>1 And she was a kind of afraid of, you know, her 2 because she kept threatening and she says, "Leave me 3 alone I have nothing to do with that." 4 Q Right. 5 A And that's when I sent her the text I said, 6 "You need to leave my client alone, you know, you need 7 to stop threatening her. If I see that you keep, you 8 know, harassing her, I'm going to call the police." And 9 that's when everything stopped. 10 Q Okay. Now Monday, August 8th was the same day 11 that Ms. Melendez fell down also? 12 A Yeah, it's the same day that she fell. 13 Q And did you confront -- 14 A I don't know if that was the same day that she 15 fell, but she said Friday she wasn't there and she had 16 stuff coming and she fell. 17 Q I see. All right. When you confronted Daisy 18 about not being at Ms. Melendez's when she fell, what 19 did Daisy say? 20 A She didn't care. 21 Q Did she say I was there or I didn't? 22 A No, she didn't care, she was -- nothing she 23 didn't say anything, she didn't care. 24 Q Okay. And -- 25 A And was basically just arguing, you know, "I</p>	<p style="text-align: right;">Page 113</p> <p>1 A The bottom one is Melendez. 2 Q Right. And she's specifically saying from the 3 23rd to the 29th of May for the Izique's of 2022, 4 correct. She's over 20 hours, okay. Did you -- 5 A May 29th. 6 Q Right. Did you ever investigate those 7 particular hours to see if she was overbilling the time? 8 A Your Honor -- your Counsel, everything is 9 like, I -- like I said, everything is according to 10 authorization, all the hours are input, you know, 11 according to authorization. 12 She knows, and I told her if you put -- if you 13 don't clock in and clock out and you don't send your 14 time sheets, how it's supposed to like, she'll say, "I 15 covered for this person." 16 Okay. "If you cover for that person why 17 didn't you send your time sheet on time, I don't read 18 minds you know, you guys need to communicate with me." 19 Everything like I said, she covered for Monica, she 20 covered for Jenny, the other one that was in there for 21 Valdivieso and for Angela, it was the hours that she was 22 claiming that wasn't authorized that she didn't even 23 work. 24 Q Why did you continue your contractual 25 relationship with Ms. Cruz if you were having all of</p>

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<p style="text-align: right;">Page 114</p> <p>1 these problems with her?</p> <p>2 A That's because I wanted to take her out of the</p> <p>3 case, but Izique preferred to go to the agency that she</p> <p>4 was working, she says they didn't want to lose her.</p> <p>5 Q But at any time, even with Ms. Melendez,</p> <p>6 couldn't --</p> <p>7 A I took her off Melendez.</p> <p>8 Q You took her off Melendez?</p> <p>9 A Yes.</p> <p>10 Q Okay. And so how does All VIP end its</p> <p>11 relationships with its caregivers do you just take them</p> <p>12 off of everybody that they're assigned to or do you just</p> <p>13 say to them, "Hey, listen we're not going to give you</p> <p>14 any more work at all anymore."</p> <p>15 A Okay. It depends, you know, how they've</p> <p>16 ended, you know, with All VIP care like, for Daisy, she</p> <p>17 was doing fraud.</p> <p>18 So, right there, we're not going to hire her</p> <p>19 she's -- in our system, she's inactive and it gives a</p> <p>20 reason why. Let's say, if a caregiver says, you know, I</p> <p>21 don't want to work with you guys anymore, you know, I --</p> <p>22 you know, some of them -- a lot of them don't say the</p> <p>23 reason I -- we know they're independent contractors.</p> <p>24 They apply another agency and that's fine</p> <p>25 there's other caregivers that will do the case but with</p>	<p style="text-align: right;">Page 116</p> <p>1 They were willing to do anything to keep her.</p> <p>2 Q Well, can't you always end your con -- your</p> <p>3 relationship with the client also, couldn't you end your</p> <p>4 relationship with the Izique's?</p> <p>5 A Yeah, we could have, but she wanted us because</p> <p>6 there was other aides there, so, you know, working there</p> <p>7 and the other aides were happy, you know, working there</p> <p>8 so, and she was happy with the other caregivers.</p> <p>9 Q Right.</p> <p>10 A But it was something with her, you know,</p> <p>11 because she was acting really -- she always really, you</p> <p>12 know, lovey-dovey with them and you know, try -- did</p> <p>13 other things like trying to be, and the other aides</p> <p>14 there told me, she's fake, you know, but I didn't, you</p> <p>15 know, we don't go by what the other caregivers say, but.</p> <p>16 Q Understood.</p> <p>17 A The family member really liked her.</p> <p>18 Q Generally speaking I know that you said the</p> <p>19 caregivers had to tell you if they were not going to be</p> <p>20 available to work certain hours that were on their</p> <p>21 schedule, correct?</p> <p>22 A Yes, they had to let us know.</p> <p>23 Q And that was so that you can find a substitute</p> <p>24 for them to fill in those hours.</p> <p>25 A That's correct.</p>
<p style="text-align: right;">Page 115</p> <p>1 me -- with Daisy, no, we're not going to hire her any</p> <p>2 longer, but because of Izique I told her, "I'm going to</p> <p>3 take her out of the case." "No, I really like her and I</p> <p>4 want to keep her and blah, blah."</p> <p>5 So, there you go she went with another agency,</p> <p>6 she took them to another agency.</p> <p>7 Q Right.</p> <p>8 A And she's working.</p> <p>9 Q At the time when you kept having to remind Ms.</p> <p>10 Cruz to punch in and punch out using her phone on the</p> <p>11 app, and you got a hint that she was falsifying her time</p> <p>12 sheets, why not just end the contractual relationship</p> <p>13 between All VIP and her at that point?</p> <p>14 A Because remember I told you that in -- I</p> <p>15 always had to confirm with the client. Okay. And I'll</p> <p>16 say she cannot put these hours in because they're not</p> <p>17 authorized.</p> <p>18 So, we're going to pay her for the hours she</p> <p>19 worked with, like with the -- with Melendez, she's --</p> <p>20 she didn't work with Melendez anymore.</p> <p>21 Q Okay.</p> <p>22 A But with the Izique's it was the family they</p> <p>23 wanted her so bad they wanted her, "No, we want her, we</p> <p>24 just want to -- we'll explain it to her. That's how</p> <p>25 we'll help her with the clocking in the clocking out."</p>	<p style="text-align: right;">Page 117</p> <p>1 Q Another All VIP caregiver.</p> <p>2 A That's correct.</p> <p>3 Q Could the caregivers find their own</p> <p>4 substitutes, like if Ms. Cruz wasn't going to work some</p> <p>5 hours on her schedule, she could she just find anybody</p> <p>6 else to fill in those hours for her?</p> <p>7 A No.</p> <p>8 Q No, what if it was All VI -- another, All VIP</p> <p>9 caregiver could she arrange that on her own and just</p> <p>10 have that person fill in?</p> <p>11 A No, not on her own, no.</p> <p>12 Q Okay. She always had to tell you, correct?</p> <p>13 A That's correct, because we need to put it in</p> <p>14 the system.</p> <p>15 Q Right.</p> <p>16 A Something happens, we know who's there.</p> <p>17 Q All right. Okay. And I want to -- have you</p> <p>18 ever seen, I'm going to show you now, what I'm marking</p> <p>19 as Exhibit D.</p> <p>20 (Thereupon, Plaintiff's Exhibit D was entered</p> <p>21 into the record.)</p> <p>22 BY MR. CUMMINGS:</p> <p>23 Q Have you ever seen this Google post from Cesar</p> <p>24 Izique?</p> <p>25 A Yes, and that's not him that's the daughter</p>

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<p style="text-align: right;">Page 118</p> <p>1 putting all that because Mr. Cesar doesn't speak English</p> <p>2 and Mr. Cesar is -- he has Alzheimer's.</p> <p>3 Q Okay. Did you see this Google post when it</p> <p>4 actually went up on -- I guess, you know, Google?</p> <p>5 A Not -- I don't know when if I saw it, like</p> <p>6 right away, I don't know exactly because I'm not in --</p> <p>7 you know, looking at the reviews, but -- you know, I did</p> <p>8 see it.</p> <p>9 Q How did you find out that this review existed?</p> <p>10 A How did I find out because Liz, the owner</p> <p>11 replied.</p> <p>12 Q But how did that let you know that it was</p> <p>13 there when Liz replied, did you get like a message or</p> <p>14 something?</p> <p>15 A Yeah, Liz told me that they put a bad review.</p> <p>16 Q Okay. Got it, now here the -- let's say it is</p> <p>17 the daughter, let's say it's either Susana or Anna Marie</p> <p>18 is saying that the HHAs were always complaining they</p> <p>19 were not being paid by the agency that seems to be more</p> <p>20 than one, like more than just Ms. Cruz.</p> <p>21 Were there any other home health aide that</p> <p>22 provided service to the Izique that complained that they</p> <p>23 weren't being paid their hours?</p> <p>24 A If they were over -- if they overlap, but they</p> <p>25 always got paid, let's say for any reason the system</p>	<p style="text-align: right;">Page 120</p> <p>1 paycheck.</p> <p>2 Q When you say the system --</p> <p>3 A But it barely happened.</p> <p>4 Q Okay. When you say the system picks up, like</p> <p>5 it's -- I'm, what I'm hearing is like, okay. You as</p> <p>6 Diana Ramirez, you input that Ms. Cruz worked 63 hours</p> <p>7 but you're saying the system itself only registered 62?</p> <p>8 A It could happen, it -- not I'm saying that it</p> <p>9 happens all the time, but it happened before.</p> <p>10 Q And that's not due to human error on your</p> <p>11 part?</p> <p>12 A No.</p> <p>13 Q Okay.</p> <p>14 A It has nothing to do on my side, I've put in</p> <p>15 the hours that's why we need time sheets.</p> <p>16 Q Okay. And does HHA exchange acknowledge that</p> <p>17 they have problems with their system registering hours</p> <p>18 and Court?</p> <p>19 A Yeah, we report it, we automatically we call</p> <p>20 support, but it's like I said rarely happens.</p> <p>21 Q Okay. And did you ever speak to either Susana</p> <p>22 or Anna Marie after this Google post was written?</p> <p>23 A No, after we -- you know, she said that -- you</p> <p>24 know, she's no longer going to have services with us,</p> <p>25 she did call me after we ended to tell me that why</p>
<p style="text-align: right;">Page 119</p> <p>1 didn't pick up, you know, two hours, you know, it's not</p> <p>2 us.</p> <p>3 We put in the hours sometimes the system, you</p> <p>4 know, kicks up one hour, two hours and then right away</p> <p>5 we -- you know, they get paid on the following paycheck.</p> <p>6 Q When you say the system --</p> <p>7 A It's not that --</p> <p>8 Q Go ahead.</p> <p>9 A Yeah, it's not that they're not going to get</p> <p>10 paid and they lost their or else that we wouldn't have</p> <p>11 aides, you know, working with us at all.</p> <p>12 Q When you say the system, are you talking about</p> <p>13 HHA exchange?</p> <p>14 A Yeah, HHA exchange, when we bill it's -- I'm</p> <p>15 not going to -- it's happened, but right away it's</p> <p>16 corrected.</p> <p>17 Q And when you say it's happened, you mean that</p> <p>18 sometimes the system inputs the incorrect hours?</p> <p>19 A No, like it probably didn't pick up let's say</p> <p>20 if I have 63 hours that's supposed, I put in 63 hours</p> <p>21 and it says 63 hours, but the system might pick up, say</p> <p>22 62 and then that hour.</p> <p>23 So, we have to go back into, you know, back</p> <p>24 into the system to see what happened and then if it's</p> <p>25 one hour then we'll put it, you know, on their following</p>	<p style="text-align: right;">Page 121</p> <p>1 didn't I send, you know, Daisy you know, to work. And I</p> <p>2 said "Well, what do you -- I don't understand" I said,</p> <p>3 "We're no longer, you know, you're no longer with All</p> <p>4 VIP care."</p> <p>5 And then she says, "Yeah, but I don't have</p> <p>6 anybody Monday and Tuesday." and I'm like, "Well, you</p> <p>7 need to call your case manager and let them know to</p> <p>8 change the authorization for the date that you started</p> <p>9 with the other agency. I can't help you right now."</p> <p>10 I told her and that was the end of her. Yeah,</p> <p>11 she called me because I guess the authorization that was</p> <p>12 sent out for the new agency didn't start right away. It</p> <p>13 was like -- it showed like it was still with us, but in</p> <p>14 reality it wasn't with us.</p> <p>15 Q Okay. All right. Let me show you Exhibit E.</p> <p>16 (Thereupon, Plaintiff's Exhibit E was entered</p> <p>17 into the record.)</p> <p>18 BY MR. CUMMINGS:</p> <p>19 Q And -- okay. Do you recognize this document</p> <p>20 this is a two page --</p> <p>21 A Yeah, I wrote it.</p> <p>22 Q -- document at the top it says statement for</p> <p>23 Cruz about Valdivieso, and then on the bottom of page 2,</p> <p>24 it has your signature, you wrote this document</p> <p>25 statement?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A Um-hum.</p> <p>2 Q Okay. And you just had to provide a yes or</p> <p>3 no, so let me ask the question again.</p> <p>4 A I'm sorry, yes.</p> <p>5 Q Okay. You wrote this?</p> <p>6 A Yes, that's me writing.</p> <p>7 Q Okay. On August 8th, 2022?</p> <p>8 A That is correct.</p> <p>9 Q Okay. Why did you write this statement?</p> <p>10 A Because I have to write a statement of</p> <p>11 everything that happens I have to keep a record, see I</p> <p>12 have a record right here of just Stacy. If something,</p> <p>13 if an incident report happens, I have to have it because</p> <p>14 of Medicaid they need to know what happened on that day,</p> <p>15 at that time.</p> <p>16 So, if you see here, I have a file just for</p> <p>17 her every aide that has an incident like this needs --</p> <p>18 we need to fill out a statement and it has to be put</p> <p>19 into the client's profile and it's kept with us if</p> <p>20 Medicaid comes, we have it right here.</p> <p>21 Q Understood. And it just so happens that</p> <p>22 August 8th, 2022 I think is around the same time that</p> <p>23 Ms. Melendez complained about falling.</p> <p>24 A Yes.</p> <p>25 Q Is this statement that you're writing in</p>	<p style="text-align: right;">Page 124</p> <p>1 getting a complaint from the Izique's on July 22nd that</p> <p>2 means that Ms. Cruz was working with the Izique's at</p> <p>3 that time, right?</p> <p>4 A Yeah, she was still -- yeah, I think that was</p> <p>5 like almost the ending that week because I think that</p> <p>6 same week.</p> <p>7 Q She was ending with who?</p> <p>8 A With All VIP care, she was going to another</p> <p>9 agency.</p> <p>10 Q Okay. But I thought on August -- in August</p> <p>11 she was -- Ms. Cruz was still working with Ms. Melendez</p> <p>12 August 20th, 2022?</p> <p>13 A No, she -- with Melendez, no, she didn't --</p> <p>14 she was not showing up with Melendez.</p> <p>15 Q But she was being assigned to Melendez.</p> <p>16 A Yeah, she had Melendez and Izique's. I don't</p> <p>17 remember what date that Izique, but she ended first</p> <p>18 with, Melendez and she was still working with Izique.</p> <p>19 Q All right. And then was there another patient</p> <p>20 named Gabriel Gonzalez that she worked with?</p> <p>21 A Yes, she did. Yes, that was the first one</p> <p>22 yeah, I totally forgot about him.</p> <p>23 Q Okay. So --</p> <p>24 A Yeah, But that was --</p> <p>25 Q That was the first, that was before?</p>
<p style="text-align: right;">Page 123</p> <p>1 response to Ms. Melendez call about falling?</p> <p>2 A Yeah, she's -- that's when I found out that</p> <p>3 Daisy -- I'm sorry, Cruz didn't show up when she called</p> <p>4 me on that day.</p> <p>5 Q Okay.</p> <p>6 A And she told me what was happening, so I had</p> <p>7 her to write it down.</p> <p>8 Q Okay. Got it. And the very beginning says on</p> <p>9 July 22nd, 2022 at 08:43 a.m. client's daughter texted</p> <p>10 me saying that they were concerned the HHAs were not</p> <p>11 getting paid, whose daughters are you talking about</p> <p>12 here?</p> <p>13 A Izique's.</p> <p>14 Q Izique's. Okay. So, there was overlap</p> <p>15 between the time that Ms. Cruz worked for the Izique's</p> <p>16 and the Melendez --</p> <p>17 A No.</p> <p>18 Q -- Ms. Melendez?</p> <p>19 A No, remember I told you that she was working</p> <p>20 the private hours that I wasn't aware of that's what she</p> <p>21 was claiming, that she was not getting paid. And that</p> <p>22 Izique was telling me, you know, I have a concern, that</p> <p>23 HHAs are not getting paid and there you go it was, and I</p> <p>24 explained to her.</p> <p>25 Q What I'm trying to figure out is if you were</p>	<p style="text-align: right;">Page 125</p> <p>1 A Soto.</p> <p>2 Q Alicia Soto?</p> <p>3 A Yes, I totally forgot about him, yes.</p> <p>4 Q Were there any issues with Ms. Cruz's hours or</p> <p>5 any complaints that you had about her service with</p> <p>6 Mr. Gonzalez?</p> <p>7 A No, because that was the only client she had.</p> <p>8 Q At the time.</p> <p>9 A It was just -- yeah, at that time.</p> <p>10 Q At that time. Okay. So, was there any -- so</p> <p>11 there was never any overlap between Mr. Gonzalez and</p> <p>12 Ms. Soto?</p> <p>13 A No, because she only had that client and that</p> <p>14 client had certain hours.</p> <p>15 Q And there was never any overlap between Soto</p> <p>16 and Melendez?</p> <p>17 A Soto and Melendez, she wasn't working with</p> <p>18 Soto and Melendez at the same time.</p> <p>19 Q Right. That's what I'm trying to figure out,</p> <p>20 okay.</p> <p>21 A Okay. No.</p> <p>22 Q Okay.</p> <p>23 A She only had the neighbor at that time.</p> <p>24 Q Okay. Got it, and so -- but she was working</p> <p>25 with Melendez and the Izique's at the same time?</p>

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<p style="text-align: right;">Page 126</p> <p>1 A No, after Gabriel that's when she started with 2 Melendez and then with the Izique's. 3 Q Okay. I thought after Gabriel was Soto. 4 A Yes, Soto, got -- Gabriel, Soto then Izique 5 with Melendez at the same time. 6 Q Okay. 7 A Melendez and Izique was at the same time 8 because she was not working the full hours with the 9 Izique. 10 She's just working part-time hours with the 11 Izique and 38 hours with -- 42 hours with Melendez. 12 Q Okay. We're on the same page now. All right. 13 And then I'm just going to show you this one last 14 statement, which I'm marking as Exhibit F. 15 (Thereupon, Plaintiff's Exhibit F was entered 16 into the record.) 17 BY MR. CUMMINGS: 18 Q Do you recognize -- wait a minute, I didn't 19 show it yet, okay. It's not right, hold on, okay. Can 20 you see the document I'm showing you on my screen now? 21 A Yes. 22 Q All right. I'm making this Exhibit F for the 23 deposition record, which is the -- it says 11/15/2022 at 24 the top and it has your signature at the bottom. Is 25 this your signature?</p>	<p style="text-align: right;">Page 128</p> <p>1 Okay. Ms. Ramirez, is there anything else 2 that you want to add about Ms. Cruz's time with All VIP 3 that we have not discussed? 4 A No, I think that I can remember everything, 5 everything said. 6 Q Is there anything that I didn't ask you that 7 you thought I would? 8 MR. GOLDBERG: Object to form. 9 A No. 10 BY MR. CUMMINGS: 11 Q And I think you've previously stated that you 12 don't directly deal with the billing to Medicare and 13 Medicaid. Is that right? 14 A That's correct. 15 Q Do you know anything about All VIP's provider 16 number? 17 A When you say provider number, you mean the 18 NPI, the tax ID. 19 Q The NPI? 20 A Yeah, I have it. 21 Q Okay. Well, I don't need it I'm just saying, 22 so All VIP -- 23 A Yeah. 24 Q All VIP has an NPI, correct? 25 A Yes, each office has NPI.</p>
<p style="text-align: right;">Page 127</p> <p>1 A Yes, it is. 2 Q Okay. Do you remember writing this statement? 3 A Yes. 4 Q Okay. Why did you have to write this 5 statement? 6 A Because I -- they ac -- the Attorney asked me 7 to write the statement, everything that happened, but in 8 a formal way, it's the same way. It's the same thing 9 that I wrote in with the pen, but I had -- I typed it up 10 on that day. 11 Q Okay. 12 A And because I wanted to look more, you know. 13 Q Professional. 14 A Yeah. 15 Q I got it. No, I understand and this statement 16 that you're writing here was not necessarily in response 17 to a particular incident happening you were just 18 rewriting the previous statement and adding more 19 information? 20 A Yeah, writing everything how ev -- what 21 happened, this whole situation. 22 Q All right. Okay. I don't think there's 23 anything there that we haven't discussed. All right. 24 And just for the record, this is Bates stamp document, 25 VIP docs 153.</p>	<p style="text-align: right;">Page 129</p> <p>1 Q Each office meaning -- each All VIP office -- 2 A Each county. 3 Q In each county has a different NPI number? 4 A Yes. 5 Q Got it. Okay. And does that NPI number have 6 to be included on billings to Medicare? 7 A I can't answer that because I don't know. 8 Q All right. 9 A That's not my department. 10 Q Understood. And do the caregivers themselves 11 have their own NPI number? 12 A No. 13 Q Okay. Do the caregivers have their own when 14 they get certified do they have a number that the state 15 issued? 16 A Yes, not the state, but, you know, when we 17 enter them in the system, they have a code it says 18 caregiver code. 19 Q Caregiver code. Okay. All right. And you 20 don't understand how it does -- do you know if that code 21 that the caregivers have is somehow submitted to the 22 billing departments for Medicare or Medicaid? 23 A I have no idea if that code is in there. I 24 have no idea because I know in my -- in the private one, 25 it doesn't give out code.</p>


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<p style="text-align: right;">Page 130</p> <p>1 It just gives out the name of the caregiver</p> <p>2 because they don't know what the code is it's just --</p> <p>3 that's just for us in the system when we need to search</p> <p>4 them up.</p> <p>5 Q Got it. And the app that the caregivers were</p> <p>6 supposed to be using to clock in and clock out, that was</p> <p>7 a HHA exchange app on their phone?</p> <p>8 A That's correct.</p> <p>9 Q All right. Did they have to pay for that app?</p> <p>10 A No, Counsel they didn't have to pay for it.</p> <p>11 Q Did the providers have to pay for anything to</p> <p>12 do their work besides their scrub -- well, let me put it</p> <p>13 like the other way around. Did All VIP provide any type</p> <p>14 of equipment that the caregivers needed to provide their</p> <p>15 services?</p> <p>16 A When they needed gloves or, you know, the mask</p> <p>17 out of courtesy we had, you know, extra, especially</p> <p>18 because of the pandemic, we always had you know, gloves,</p> <p>19 we give them a box, you know or a box of you know,</p> <p>20 masks. But their independent contractor, but they need</p> <p>21 to have their own supplies.</p> <p>22 Q All right. And, so there was like PPE,</p> <p>23 personal protective equipment that was available in the</p> <p>24 office for them to come pick up?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 during the deposition, are the time sheets a backup to</p> <p>2 the HHA exchange program?</p> <p>3 A That is correct, Counsel.</p> <p>4 Q So, it's the time she's already checks and</p> <p>5 balance to the accuracy of the HHA exchange, correct?</p> <p>6 A That's correct.</p> <p>7 Q How many times -- if you know, did Ms. Cruz,</p> <p>8 complaint to you that she was not paid for the hours</p> <p>9 that she worked?</p> <p>10 A When she started putting the private hours?</p> <p>11 Q And did you explain to her the difference in</p> <p>12 private hours and the hours that were authorized by</p> <p>13 VIP?</p> <p>14 A Counsel, the thing is that I didn't know she</p> <p>15 was doing private hours, so I was confused of all the --</p> <p>16 you know, the hours that she was claiming.</p> <p>17 I said, "But why are you getting all these</p> <p>18 hours when you have only this amount of hours</p> <p>19 authorized." And that was her confusion.</p> <p>20 Q Now, just so I am clear, when did you learn</p> <p>21 that Ms. Cruz was including her private hours in her</p> <p>22 time sheets?</p> <p>23 A If I recall, it was almost close to when, the</p> <p>24 Izique left because the daughter told me because the</p> <p>25 daughter kept, she kept nagging the daughter, they owe</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. CUMMINGS: All right. I have no further</p> <p>2 questions, Mr. Goldberg.</p> <p>3 MR. GOLDBERG: I just have a couple, sir.</p> <p>4 Thank you.</p> <p>5 MR. CUMMINGS: All right.</p> <p>6 CROSS EXAMINATION</p> <p>7 BY MR. GOLDBERG:</p> <p>8 Q Diana?</p> <p>9 A Yes.</p> <p>10 Q To the best of your knowledge, sorry, can you</p> <p>11 hear me?</p> <p>12 A Yes, I can hear you clearly.</p> <p>13 Q Okay. Thank you. Diana, to the best of your</p> <p>14 knowledge was Cruz paid for every hour that she worked</p> <p>15 for clients in accordance with VIP's relationship with</p> <p>16 that client?</p> <p>17 A Yes, Counsel.</p> <p>18 Q And how many time -- if you know, let me</p> <p>19 rephrase this. Did you frequently have discussions with</p> <p>20 Ms. Cruz about the HHA exchange program on her phone?</p> <p>21 A Yes, and that's why I told her to come in so</p> <p>22 we can teach her how to do it.</p> <p>23 Q And did she comply with your request?</p> <p>24 A No.</p> <p>25 Q Now, the time sheets that we have spoken about</p>	<p style="text-align: right;">Page 133</p> <p>1 me you know, because she was -- you know, all she did</p> <p>2 was add hours altogether.</p> <p>3 That's all she did and then she -- like,</p> <p>4 she'll add how much that she needs to get paid, so the</p> <p>5 only thing she will say, "You owe me this amount because</p> <p>6 I worked this many hours."</p> <p>7 So, when the daughter called me, she says,</p> <p>8 "Well, Daisy's working these hours." And I said, "Hold</p> <p>9 on, well that's not -- she's saying that we owe her</p> <p>10 three hours."</p> <p>11 And then she goes -- and she's putting in our</p> <p>12 extra hours in there and that's when I found out because</p> <p>13 the daughter told me, daughter told --</p> <p>14 Q Which daughter -- I apologize, miss --</p> <p>15 A If I'm not mistaken, I think it was Susana.</p> <p>16 Q Can you spell that name for me please?</p> <p>17 A It's like Susana, which is add an A at the --</p> <p>18 instead of an E and A, S-U-S-A-N-A.</p> <p>19 Q Got it. Now, you testified earlier that if</p> <p>20 the HHA such as Ms. Cruz was to be working private hours</p> <p>21 that puts her in breach of her independent contractor</p> <p>22 agreement with VIP?</p> <p>23 A Yes, I told Daisy and the daughter, but I</p> <p>24 think they already kind of knew because that's when they</p> <p>25 decided to leave.</p>

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<p style="text-align: right;">Page 134</p> <p>1 Q Did you terminate Ms. Cruz -- I'm sorry, yes.</p> <p>2 Did you terminate Ms. Cruz from VIP?</p> <p>3 A Yes, she no longer is active with us.</p> <p>4 Q And how was the -- who made that decision?</p> <p>5 A The owner, Liz and myself.</p> <p>6 Q And that decision was based upon Ms. Cruz</p> <p>7 providing private hours to VIP clients, correct?</p> <p>8 A Exactly. And as well as telling the client</p> <p>9 that to switch over to the other agency that she was</p> <p>10 working with.</p> <p>11 MR. GOLDBERG: No further questions</p> <p>12 Mr. Cummings, thank you.</p> <p>13 MR. CUMMINGS: Okay. I'm -- I don't -- just</p> <p>14 one other question, Ms. Ramirez.</p> <p>15 RE-DIRECT EXAMINATION</p> <p>16 BY MR. CUMMINGS:</p> <p>17 Q Can you bill families directly without going</p> <p>18 through the, let's say, Medicare or Medicaid?</p> <p>19 A Yes, Counsel, if they do a contract with us,</p> <p>20 yes.</p> <p>21 Q Okay. Then -- sorry, go ahead.</p> <p>22 A We bill and we send them an invoice.</p> <p>23 Q Okay. And then that's not through any type of</p> <p>24 insurer, it's just a contract directly between the</p> <p>25 patient and All VIP?</p>	<p style="text-align: right;">Page 136</p> <p>1 (Reading and signing of the deposition by the</p> <p>2 witness has been reserved.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 135</p> <p>1 A That's correct, because we do have private</p> <p>2 clients.</p> <p>3 Q Right. And then that situation, caregivers</p> <p>4 are sent out and the schedule is made just the same way?</p> <p>5 A Yes, the only thing that this is just, you</p> <p>6 know, it's private and that's the only difference just</p> <p>7 the --</p> <p>8 Q Okay. Under those circumstances, does the</p> <p>9 caregiver negotiate a different rate of pay for hourly</p> <p>10 pay for those private clients?</p> <p>11 A No, they don't really say this is how much it</p> <p>12 pays and they agree and they then go.</p> <p>13 Q Okay. But because there's no cap by Medicaid,</p> <p>14 let's say, for example, \$20 is All VIP charging more</p> <p>15 money to the private clients than they do in other</p> <p>16 situations?</p> <p>17 A No.</p> <p>18 Q Okay.</p> <p>19 A Because I have private because I have</p> <p>20 contracts here that I can show you that it says \$20 an</p> <p>21 hour.</p> <p>22 Q All right.</p> <p>23 MR. CUMMINGS: Okay. No, further questions.</p> <p>24 MR. GOLDBERG: We will read.</p> <p>25 (Deposition concluded at 12:56 p.m.)</p>	<p style="text-align: right;">Page 137</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF FLORIDA</p> <p>3 COUNTY OF PALM BEACH</p> <p>4</p> <p>5 I, Danielle J. Braelow, Court Reporter and Notary</p> <p>6 Public for the State of Florida, do hereby certify that</p> <p>7 I was authorized to and did digitally report and</p> <p>8 transcribe the foregoing proceedings, and that the</p> <p>9 transcript is a true and complete record of my notes.</p> <p>10 I further certify that I am not a relative,</p> <p>11 employee, attorney or counsel of any of the parties, nor</p> <p>12 am I a relative or employee of any of the parties'</p> <p>13 attorneys or counsel connected with the action, nor am I</p> <p>14 financially interested in the action.</p> <p>15</p> <p>16 Witness my hand this 21st day of June, 2023.</p> <p>17</p> <p>18 </p> <p>19</p> <p>20</p> <p>21 DANIELLE J. BRAELOW, COURT REPORTER</p> <p>22 NOTARY PUBLIC, STATE OF FLORIDA</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 CERTIFICATE OF OATH</p> <p>2 STATE OF FLORIDA</p> <p>3 COUNTY OF PALM BEACH</p> <p>4</p> <p>5 I, Danielle J. Braelow, the undersigned authority,</p> <p>6 certify that Diana Ramirez appeared before me remotely</p> <p>7 pursuant to Florida Supreme Court Order AOSC20-23 and</p> <p>8 was duly sworn on the 7th day of June, 2023.</p> <p>9</p> <p>10 Witness my hand this 21st day of June, 2023.</p> <p>11 </p> <p>12</p> <p>13</p> <p>14 DANIELLE J. BRAELOW, COURT REPORTER</p> <p>15 NOTARY PUBLIC, STATE OF FLORIDA</p> <p>16 Commission No.: GG 926016</p> <p>17 Commission Exp: 10/24/2023</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Errata Sheet</p> <p>2</p> <p>3 NAME OF CASE: CRUZ VALDIVIESO FIGUERA vs ALL VIP CARE INC. AND LIZ VELAZQUEZ MCKINNON</p> <p>4 DATE OF DEPOSITION: 06/07/2023</p> <p>5 NAME OF WITNESS: Diana Ramirez</p> <p>6 Reason Codes:</p> <p>7 1. To clarify the record.</p> <p>8 2. To conform to the facts.</p> <p>9 3. To correct transcription errors.</p> <p>10 Page ____ Line ____ Reason ____</p> <p>11 From ____ to ____</p> <p>12 Page ____ Line ____ Reason ____</p> <p>13 From ____ to ____</p> <p>14 Page ____ Line ____ Reason ____</p> <p>15 From ____ to ____</p> <p>16 Page ____ Line ____ Reason ____</p> <p>17 From ____ to ____</p> <p>18 Page ____ Line ____ Reason ____</p> <p>19 From ____ to ____</p> <p>20 Page ____ Line ____ Reason ____</p> <p>21 From ____ to ____</p> <p>22 Page ____ Line ____ Reason ____</p> <p>23 From ____ to ____</p> <p>24</p> <p>25</p>
<p>1 DATE: June 20, 2023</p> <p>2 TO: Diana Ramirez</p> <p>3 C/O</p> <p>4 Randy Mark Goldberg, Esquire</p> <p>5 Randy M. Goldberg & Associates, PLLC</p> <p>6 151 NW 1st Avenue</p> <p>7 Delray Beach, FL 33444-2611</p> <p>8 IN RE: CRUZ VALDIVIESO FIGUERA vs. ALL VIP CARE INC.</p> <p>9 AND LIZ VELAZQUEZ MCKINNON</p> <p>10 CASE NO: 0:22-CV-61553-DIMITROULEAS/HUNT</p> <p>11</p> <p>12 Dear Ms. Ramirez,</p> <p>13</p> <p>14 Please take notice that on June 7, 2023, you gave</p> <p>15 your deposition in the above-referenced matter. At that</p> <p>16 time, you did not waive signature. It is now necessary</p> <p>17 that you sign your deposition. You may do so by</p> <p>18 contacting your own attorney or the attorney who took</p> <p>19 your deposition and make an appointment to do so at</p> <p>20 their office. You may also contact our office at the</p> <p>21 below number, Monday - Friday, 9:00 AM - 5:00 PM, for</p> <p>22 further information and assistance.</p> <p>23 If you do not read and sign your deposition within</p> <p>24 thirty (30) days, the original, which has already been</p> <p>25 forwarded to the ordering attorney, may be filed with</p> <p>the Clerk of the Court.</p> <p>If you wish to waive your signature, sign your name</p> <p>in the blank at the bottom of this letter and promptly</p> <p>return it to us.</p> <p>Very truly yours,</p> <p>Danielle J. Braelow, Court Reporter</p> <p>Universal Court Reporting</p> <p>(954)712-2600</p> <p>I do hereby waive my signature.</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Diana Ramirez</p> <p>25 Cc: via transcript: Randy Mark Goldberg, Esquire</p>	

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